

THE
HONEST SENTIMENTS

A TABLE OF
AN ENGLISH OFFICER
REMEMBERING HIS DUTY
ON THE
ARMY OF GREAT BRITAIN.

VOL. I.

1779.

to Great Britain

Army

THE

STIMULUS TESTIMONY

AN ERRATA;

AND

NOTES and REFERENCES,

Will be placed at the End of the Volume.



1777

288 c 9

THE
HONEST SENTIMENTS
OF AN
ENGLISH OFFICER
ON THE
ARMY OF GREAT BRITAIN.

V O L. I.

Parve, nec invidio, sine me Liber ibis in urbem.
OVID'S TRISTIBUS.

ANGLICE.

I had rather the Critics should abuse you—than me.

L O N D O N:

Printed for J. BEW, No. 28, Paternoster-Row.

M DCC LXXIX.

HONEST SENTIMENTS

OF AN

ENGLISH OFFICER

ON THE

ARMY OF GREAT BRITAIN.



Printed and Published by J. G. & J. W. Smith, Stationers, 10, Abchurch Lane, London, E.C. 4.

I had rather the Critics should abuse you—than me.

LONDON:

Printed for J. G. & J. W. Smith, Stationers, 10, Abchurch Lane, London, E.C. 4.

M DCCC LXXXI.

To my FRIENDS.

AT last behold the subject which we have so often discoursed on — in a Book. What ye have many of you commended, in detached conversations and papers, ye will have a better opportunity to judge on now, it is methodically arrayed. If the Work proves useless, and you deem it unworthy your notice, I shall only have my labour for my pains; and that is a reward that I have been so long used to, that I shall not be surprized nor dissatisfied if I receive no other: but should it serve as an *Index* for some of you to examine into, and further illustrate the subject, all my warmest wishes and hopes will be fully answered. Our country wants a Work of this nature, for all her general principles of policy, of law, and of war are so confounded with paradoxes, and

so

so darkened by impending mists, that no man can see his way amongst them.

A state, or an individual, that acts without a general plan of conduct, founded in common sense, and industriously digested and combined in all its parts (tho' good fortune may protract or vivacity conceal it for a while) must in the end manifest its ruin. Yet system should not be carried so far as to proscribe *every exception to its general rule*; and men should be cautious when they admit *an exception*, that it be not suffered to usurp and maintain the place of the *general rule*, while that is indolently consigned to oblivion. I apprehend this maxim to form the just distinction between obstinacy and levity; between steadiness and versatility.

The great outlines of policy in a modern war-like state are: *First*, To promote commerce as the source of finance; and as this can be done by no other art than *cherishing liberty*, which is the only bait for it, even the enlightened despot pretends to be its friend and advocate.

Secondly,

Secondly, To husband the honors and emoluments of the state, so that whoever covets them must necessarily undertake some office beneficial to it to obtain them.

Thirdly, To simplify the collection of revenue, and previously ascertain the expenditures under different circumstances, so as to be enabled, with some degree of certainty to provide in peace resources of every kind for a war.

Fourthly, Never to tempt or enter upon a war without an object of importance equal to the risk you run; yet if you once get the upper hand amongst nations, never resign it again for fear of a war: Your enemy will submit unless it be his interest to break with you, and when that is the case, do what you will he will always find pretences enough.

Fifthly, To cherish an uniform system of alliances; and if such an occasion offers, employ the juvenile ambition of some new and rising state against your enemy, and not be coldly jealous of accepting its assistance, lest your rival profit from

your indecision to put the option out of your power in future.

Sixthly, When you perceive war inevitable, don't quibble off the day of trial. Strike an early blow, digest great undertakings and conceal them well. The best methods of hiding your principal designs, are never to let your enemy rest an instant in tranquillity, attack him on all sides, nor when the sword is drawn calculate the separate expence and profit of each expedition. Above all, avoid standing on the defensive where every thing may be lost and nothing can be gained. The expence of war is ruin, and to be at that expence and do nothing, is a folly or madness our language has no name contemptible enough to express. There are, I know, plausible politicians who will calculate war-like expeditions in their closet, and balance loss and gain to a farthing. But unfortunately, as in Mr. Foote's Comedy of the Commissary, if Mrs. Mechlin pushes quart when she should, according to their rules, have pushed tierce, the whole affair ends in universal defeat.

I do

I do not incline to find faults where there are none: but it is certain that the English army is in a very different state to that of every other in Europe, nay to what itself was at the latter end of the war wherein we had been successfully opposed to experienced generals, and veteran troops. No general system perpetuates the memory of what we then learnt. With the most excellent materials we do nothing; and our army costs quadruple in proportion to that of every other power, without being better rewarded or paid.

While the Empire, Prussia, and France have been simplifying their discipline, and sacrificing all shew to utility, we have, in an *inverse ratio* of proportion, been complicating ours, and curtailing the already too scanty pay of our soldiers to give them a spruce appearance; excepting in shew and review business I know of no general system we have. If an officer goes from one regiment into another, he enters as it were into a new service; he neither understands the *language* of command, nor what is meant to be obtained by it; a few weeks indeed instructs him in his new trade; but it rather confounds
a plain

a plain understanding to find such incongruent means employed to attain the same end; and the man of quicker apprehension laughs

That such difference should be,

'Twixt tweedle-dum and tweedle-dee.

This might be dispensed with, were but the great manœuvre of the army uniform, and the principles of forming the line of battle, the velocity of movement thereto, as well as the order and connection of the columns of march generally understood; so that each arm might know its place, each officer his province, and the army be enabled to move from one spot to another in a given time without confusion, on the plain simple order from the commander, to occupy such and such a position,

It should seem peculiarly necessary for England, who is generally obliged to make war with a large proportion of new levies, and to have its army fed annually by recruits, whom there has been a very short space of time to discipline, to adopt some method of teaching them their essential

sential business in as concise and expeditious a
 mode as possible. It seems also more pecu-
 liarly necessary for England, beyond any other
 country, to go straightly and plainly to its object
 on this occasion, seeing that far the greater part of
 her internal defence, is a militia commanded by
 men of enlightened minds, who are most of
 them the legislators and governors of the state,
 whose temporary submission to military law is
 a voluntary and disinterested effort of patriotic
 virtue. Good policy forbids to teize such men
 with frivolities, and keep them in suspense by ob-
 scure novelties; on the contrary, it dictates a
 direct application to their undertakings, other-
 wise they will soon penetrate the cloud of pa-
 rade nonsense with which they are worried and
 vexed; and finding out its absurdity, resolve
 that it is better to trust to the dictates of com-
 mon sense, and their own observations, to learn
 the art of war in presence of the enemy, than
 imbibe a farrago of false principles, which it will
 cost them more pains to unlearn than to learn
 the true ones. Thus will disorder arise from
 too strict a screwing up of order. The private
 man may indeed be at last teased into pa-
 tience,

tience, obedience, and attention, by having no rules to direct him, and never knowing what order to expect. But this scheme of discipline is very like a country squire's sending his horse to the manege to be what he calls bitted; when he returns compleatly dressed, his master mounts him, he finds him go sideways, and backwards, and rear up, and kick, but as he has not the secret to make him go straight forwards, which he used very swiftly to do at pleasure before he received his finished education, he becomes useless under him. Certain it is that the great powers on the Continent or we in Great Britain, have, one or the other, embraced an erroneous system, for the principles are diametrically opposite—which is right, which errs let calm reason decide.

In the following Work I have not sought after novelty but truth; you are not therefore to expect to find things you never heard of before. I have taken a very large field. To judge well I am certain it is necessary to examine an affair in all its combinations: It is

is my intention to take a general view of the subject; to point out the principal evils and abuses at present subsisting in the British army, or which appearing near at hand, merit civil and political attention; and as it concerns men of all professions, I am under the necessity of being more diffuse than if it were intended for officers only. Not however to perplex the civil, nor tire the military reader, that part which relates only to the science of war shall be separately arranged, and in a volume by itself. I have thought proper to add some notes of the authorities on which I found my opinions, these will be placed at the end of the volume.

In the civil part my endeavours have been to build, as well as I can, a firm basis on which an English army may safely stand, to render its principles of government steady, and to ascertain an intelligible account of its expence.

In

In the military part, to give the soldier every possible comfort and convenience, to enable him to sustain his toils, and to simplify all exercise and manœuvre, so that it may be easily acquired and understood in a very short time.

There are some other parts of war for which, in England, there are no fixed principles whatsoever, yet are indispensable to a good army, and are not neglected to be established as a part of their system of discipline in other countries. These things are the officers' province, and I shall endeavour to make them as plain and comprehensible as possible. Too often hath the ignorance of our parade-officers stopped young men in the enquiries into these subjects, by telling them they have no business to think of such matters, that they are the province of the general, &c. &c. &c. but this is not the fact, every officer should be acquainted with them—the general has other things to mind. It is true these are the parts of war in which genius and science

science can alone shew themselves materially, yet are they by no means to be consigned to them in monopoly. What these principles are will appear in the course of the Work.

To preserve order, connection, and simplicity in every operation, is but the mechanical part of war; why, when, and where to put this machine in motion, is the province of wisdom and of genius.

I am sensible there are many errors and inaccuracies in this Work, I must depend on the liberality of your minds to put a favourable construction on them. In case any of you guess at my name, I beg the favour of you to conceal it; even tho' my Book should gain some applause, I had much rather forego it than incur the malignant pen of detraction, which is now become so much the fashion; nay you yourselves, will be losers by discovering me, as by it you will lose a friend: At present you can vouch that my title of *Honest Sentiments* is strictly true; but after some of the elegant fashionable criticisms of the times have been passed on the

Book,

Book, and on the Author, you will find his motives appear so base, himself so mercenary, that he is so ignorant and cowardly, and such an assassin and thief, that you will not chuse to acknowledge him; so strange it is that an anonymous insinuation, devoid not only of proof but of probability, shall obtain credit enough to blot the purest reputation, and cloud the most brilliant and virtuous action. The proof of a negative is next to impossible, but were it easy many who attend with avidity to the accusation are too indolent to investigate its credibility, or examine the defence with patience and impartiality. However, I don't fear any thing they can lay to my disadvantage; I shall neither answer nor even attend to those who attack me, or pervert my meaning: I shall not provoke *their* attacks, nor willingly place myself within reach of them. I am neither a Saint nor a Devil therefore again intreat you to conceal my name——A man may tumble into a pit, but he is a fool indeed who walks into one on purpose.

September, 1778.

The AUTHOR.

CONTENTS.

PART I.

A particular Account of the BRITISH LAND FORCE.

CHAP. I.

The present State of the Army and the Necessity
of Attention to it.

*A standing land force unnatural to Great-Britain—
The cost and disadvantage of all standing armies
which good policy should regard and remedy—There
is no provision against these inconveniences in the
armies employed from time to time in Great-Britain—
Regulated by caprice and accident more than rea-
son—Some material and principal inconveniences and
defects of the British army in its present condi-
tion—A revision of the establishment can hardly be
avoided—A general examination and enquiry into
the subject.*

b

CHAP.

C H A P II.

Of the Origin of the British Army, and the Reasons for its Continuation.

Rise and progress of a standing army in Great-Britain with some reasons why it was permitted—Guards instituted by Charles II.—King William continues them—Queen Anne pursues his steps—Reasons for maintaining them in George the First and Second's reign—The former reasons do not now subsist—Enquiry into the present reasons necessary—An English standing army not requisite to preserve the balance of power on the continent of Europe—Improbable that England will be a principal in a German war any more—Should it happen the standing army hitherto kept up, not material to such an event—There would be more men for use, if the same number was kept up in the dependencies of Great-Britain, and their entry into the island proscribed—Such a measure not incompatible with the dignity of the crown, the execution of the laws, nor the order of the capital—Pretences that the standing army is on such accounts to be distrusted—That the ancient and present condition of Great Britain is by no means the same—Her extensive conquests—The benefits of which, her rivals will hardly let her enjoy quietly.

PART

P A R T II.

Of the Securities for the Armys'
FIDELITY to the LAWS.

C H A P. I.

Of the Command of the Army.

The conduct of the army depends first on those who command it—The King by a fiction in law hereditary and perpetual Commander in Chief—But his person being sacred, there is no security for his conduct as Commander in Chief—And that is the only department which no intermediate person is directly responsible for—The office of Commander in Chief must be established by law—Not to be a cabinet counsellor—Obedience to administration defined and the augmentation of the forces, or introduction of the forces with an evil design obstructed—Record of the transaction provided for—Further provision to identify the person that really makes or alters the disposition of the troops—The officer who commands the army should be consulted relative to all its operations—But yet he must obey the civil power, if it will become responsible for its orders and acts conformable to law—Authority of the Commander in Chief with respect to all concomitant details of the army should be exclusive—

But he must with respect to them be governed by general rules to be established by the King in council—Mode of altering these general rules when found inconvenient—How particular exceptions to them may be permitted.

C H A P. II.

Of the Composition of the Army, and the Securities that it shall be so composed.

The army must be composed of natives—Reasons why—Reasons against aliens—They are already prohibited—by law—An easy method of ensuring the execution of that law by making an oath necessary to render the commissions valid—Form of the oath—Respecting the religion and country—Allegiance and fidelity—Obedience to orders—A declaration proper to awaken reflection to the consequences of any deception, or collusion with respect to what is sworn—The words to be repeated again in public, so as to deter every one from collusion by facilitating the means of convicting and punishing them—The oath to be made a record—Warrant officers to take an oath—Non-commissioned officers and private men to take it of course before a magistrate at the time of their enlistment, and afterwards declare their country and religion in public, that the truth may be publicly known—The officers to be answerable that no collusion be practised, but that if any man hath declared himself of a different religion and country to his real one, he shall

shall be punished—Lists of the army to be published by authority, for the easier detection of any variation from, or evasion of the law.

CH A P. III.

Of the BRITISH MILITIA.

Militia must be considered as part of the army—its description in its natural state—Must be strictly watched lest it degenerate from its institution—Lists of the militia to be published for the same purpose as those of the army—These lists may also suggest some new provisions to be necessary—A new specification of the officers' qualifications, and a provision that the freemen in each county shall be associated only with their own neighbours and countrymen, and be commanded by their landlords and gentlemen of real property, whom they know and are known to—Qualifications and fines to be raised from time to time, lest they degenerate into mere forms, as is the case with many other laws—A separate code, or articles of war for the militia, proper—And an adherence strictly to a general plan of manœuvres so as to enable it at once to join and co-operate with the army, must be enforced.

C H A P. IV.

**Of the Employment of Catholics and Aliens
without the Kingdom, and the Conditions on
which they might be safely armed.**

*Army without the realm—Catholics might be employed
in the army without the realm—Must be limited in
their numbers, and as to the conditions whereby they
are armed, by an open and avowed law—Aliens
might also be permitted under certain conditions—
But without proper restrictions it were better to fore-
go the service entirely—The foregoing plan calculated
to strengthen and unite the King and his people ac-
cording to the spirit of the constitution, and the liberal
and impartial construction of its powers.*

PART

P A R T III.

Means whereby to ascertain PUBLIC UTILITY from a STANDING ARMY.

C H A P. I.

Of rendering some theoretical Knowledge of his Profession indispenfible in every Officer according to his Rank, and making it the Interest of all to acquire Experience by ACTUAL SERVICE.

Disadvantages arising from the want of a military education, and the defects of the military constitution, which admits men into high rank and responsible offices, without any qualification for the execution of them—Men of talents lost to their country for want of care—A true portrait—Another portrait—Another portrait—An Englishman as capable of being a good general as the man of any other country; yet we have fewer who succeed—Reasons therefore—Proofs of the defects of the military constitution—Unequal distribution of rank—Reflections on regimental succession—A total reformation on an equal plan should ensue—But lest that should not happen an equal roster of rank may be formed—The alterations necessary to make the chance of rank equal throughout the service—

vice—First, the rank of captain—Rank of lieutenant colonel.

C H A P. II.

Of the Purchase and Sale of Commissions.

Buying and selling commissions—Money given for commissions to be recorded—Private bargains and auctions of commissions to be put a stop to—The purchase not to be forced on the regiment, nor the eldest pretend a right to succeed.

C H A P. III.

Of DISCIPLINE; or the distribution of Rewards and Punishments.

*Discipline—Definition of the subject—General consideration—Rewards and punishments—Rewards revolved—honorary and pecuniary—Honorary rewards—Peerage—Foundation of a new order—Distinction for the first gallant action—For the second—For the third and fourth—Mode of obtaining it—Particular actions, as well as such original exertions of courage and ability as cannot be exactly pre-scribed, to be a rule for the disposal of the order—Names of those who have distinguished themselves, to be published to their country at large, as well as to the army
wherein*

wherein they serve—Those who have served against an enemy, to be distinguished in their cloathing from those who have not—Ranks of the officers to be apparent on their cloathing—Aid de camps to be qualified for their employment—A method of ascertaining positively that officers shall pay attention to the science of war—Major-generals—Colonels—Lieutenant-colonels and majors—Captains—First and second lieutenants—Cornets and ensigns—Some general good which must attend these measures described—Memory of those killed on service to be perpetuated—Real rewards—There are few belonging to the service, but yet their influence as well as number might be encreased—All perquisites or incomes dependant upon the person who collects, to encrease them by squeezing to be abolished—A general view of the present emoluments belonging to each rank, exclusive of double commissions and secure government—A fixed salary to be given in lieu—Those whose actions have merited peculiar rewards, to receive additional salaries, with their personal distinctions—Provisions for invalids—To be permitted to pass their latter days at liberty, nor ever to be called but to defend their threshold—Officers—To be provided for in proportion to their merits, and to be distinguished by an uniform—Non-commissioned officers and private men—Each to be provided for according to his merit—And all to be clothed—Grants of waste lands might be made subservient to the encouraging soldiers to serve—The advantages arising from military

military service, ought to be made in some degree equal to those accruing from other professions—Prize money—To be employed for the soldiers' real benefit.

C H A P. IV.

Of DISCIPLINE; or Crimes and Punishments.

The ultimate resource of order hath been so wantonly prostituted, as to have lost great part of its effect.

C H A P. V.

Of DISCIPLINE; or Crimes and Punishments.

The different Degrees of Crimes.

Crimes of the first magnitude—Crimes of rather an inferior degree, or of the second magnitude—A third degree of crime—Regimental crimes by commissioned officers—Regimental crimes by non-commissioned, or private.

C H A P. VI.

Of DISCIPLINE; or Crimes and Punishments, and detecting Offenders.

Mode of proceeding to insure the bringing offenders to justice

C H A P.

C H A P. VII.

Of DISCIPLINE; in the Composition of the Courts
and Solemnity of Judicature.

*Courts martial to be formed by a general unalterable
regiment—None to sit on a general court martial who
is above seventy, or under twenty-one—Prisoner to
be allowed his challenges as by the laws of En-
gland—Prisoners to have a list of those first
for duty—Mode of making out the list—The
court to be of counsel to the prisoner, as well
as any two military friends the prisoner chooses
may assist him in his defence—To be allowed time
and assistance to fix on his challenges—A list of the
witnesses against him, and an order to compel the
attendance of any he thinks may be for him to be
allowed—Public notice to be given of the trial,
and a guard with colours ordered to attend the court.*

C H A P. VIII.

Of DISCIPLINE; and the Solemnities in giving
Sentence.

C H A P.

C H A P. IX.

**Discipline; of the Power of Punishments, and
the Solemnity of Public Executions.**

C H A P. X.

**The adaption of Punishments to Crimes and the
Forms of Punishments**

C H A P. XI.

Of Gaming and Duelling.

PART

[227]

PART IV.

Of the Establishment of Method, and
Economy in the administration of the
Army.

CHAP. I.

Of the Board and Office of War, with its several
Branches of Business and Departments.

CHAP. II.

The Military School.

CHAP.

C H A P. III.

Regulations respecting cloaths, arms, accoutrements, Camp Equipage, Baggage, and other Expences which accrue in Time of War.

C H A P. IV.

Scheme for the Basis of a Standing Army, which may be immediately encreased, on the Appearance of War, without the ordinary Inconvenience of a sudden Levy.

C H A P. V.

Considerations respecting the numbers of Native Soldiers Great-Britain and Ireland can perennially and steadily supply, without material detriment to Manufacture and Agriculture, or injuring the Navy.

CHAP.

C H A P. VI.

General State of the Land Force and Mode of
laying the Accounts of its Expence before
Parliament.

C H A P. VII.

² permanent Arrangement and Disposition of the
Forces for the Defence of Great Britain.

END of VOL. I

[xviii]

C H A P T E R VI

General State of the Land Forces and Mode of
paying the Accounts of the Japanese before
Parliament.

C H A P T E R VII

Parliamentary Arrangement and Disposition of the
Forces for the Defence of Great Britain.

END OF VOL. I.

THE
HONEST SENTIMENTS
OF AN
ENGLISH OFFICER
ON THE
ARMY OF GREAT BRITAIN.

PART I.
A particular Account of the
BRITISH LAND FORCE.

CHAP. I.

*The present State of the Army, and the Necessity of
Attention to it.*

A Permanent army, when there is no actual war, such as other great European States maintain to awe rival nations, and to enforce obedience to internal authority, is inconsistent with the natural interest and (1) constitution of Great Britain, whose infularity reprobates the former, and whose freedom forbids the latter. The Continental Powers having extensive frontiers to guard, and tremulous for the usurped dominion of *one*, or a *few*, over all the natural rights of the people, are necessitated to consume the greatest part of their revenues in the maintenance of *mere soldiers*, who are of double cost to their employers, in depriving their country of the labour of so many useful manufacturers and agricultors, and in draining the general fund without making any direct

A standing land force
unnatural to Great Bri-
tain.

The cost and disad-
vantage of all standing
armies which good policy
should regard and remo-
dy.

B. return

return towards it! In some States, indeed, the employment of strangers, in the troops, seems to diminish the weight of the former disadvantage, and various regulations in ancient as well as modern times have been devised to counteract the latter (a). England, whither an army hath crept in in the dark, rather tolerates than adopts it: The illegitimate brat is there usually fed on scraps, and is exposed to the versatile caprice of all ranks of men;—the courtier dresses it in Gala cloaths, but which are, alas! as insufficient against alternate heat, cold, and wet, to which it is perpetually exposed, as the tinsel armour of the theatre, or the superficial decoration of the May-day chimney-sweepers;—the country gentleman and the merchant, though they subscribe largely towards it, bestow their gift with a supercilious haughtiness, and vex it with such little unfounded jealousies, that they almost force it, from resentment, to execrate the hand which feeds it;—the cunning statesman alone flatters and cajoles it, that he may employ it for the purposes of corruption, to enforce his mandates, and reward his satellites, and while he finds it so far serviceable, abandons all further care about it, to whoever will undertake the trouble of it; nor are schemists and reformers wanting to take charge of it; but in general their projects are so utopian, so unconnected, or so frivolous, as to be useless.

There is no provision against these inconveniences in the armies employed from time to time in Great Britain.

Regulated by caprice and accident more than reason.

Some material and principal inconveniences and defects of the British army in its present condition.

The standing army maintained since the last peace, hath cost annually to Great Britain about two millions sterling (3), which is near half the clear revenues of the country, besides, at a very moderate computation, the loss of above 40,000 mens' labour and industry, not to mention the accumulated wealth which that number, in the natural progress of population, would have yielded. Yet in a society universally acknowledged dangerous to the constitution, admissible solely, and appropriated to war, because it is supposed to be a science of too great an extent, or too constant employment to be understood or exercised by those citizens who have other occupations. We have Generals who never saw an enemy, consequently can have no solid idea of what the country pays them so largely for. Nor is this a mere

mere abuse of favor, * *it is an event of natural order from the defective composition of our army.* Our inferior officers and soldiers are so idle, that it is an almost indispensable necessity for a thinking commander to permit, nay aid, the former to plague the latter with every absurd frivolity which folly can invent, merely to keep them out of harms way, and give them something to do. Temporary circumstances and wise administration may obviate some of these defects, and alleviate some of the inconveniencies; but what can reflecting reason look for in the common course of events, and under the direction of moderate abilities, from an army wherein self-interest, that great first principle of order, is so misguided as to hold forth her hand to idleness and ignorance; where she is a foe to those officers who dedicate themselves to the extensive study and toilsome practice of war; where, if under the fair but false mask of national utility, the soldiers ever labour in public works, discontent accompanies every stroke they give; and so it must, while they know full well it is not for themselves, nor for their country, but for some jobbing contractor, already most extravagantly paid, that they wear out the stockings, shoes, and shirts, which, with the utmost parsimony, they can hardly scrape out of their scanty pittance; and while their fellow labourers use as they list their earnings, (4) the produce of the sweat of the soldiers brow is usually doomed to purchase some foolish trinket or other, tending neither to his present comfort nor future advantage: Add to this, that the men on whose valor, fidelity, and virtuous patience the honor, interest, nay even existence of the state depends, when the worst of evils threaten, are, by those very people who thus confide their dearest concerns to them, (5) rendered the most abject wretches.

Whenever the Empire is settled, and order restored (6), this theme will force its way into parliament; the necessity of maintaining a large army,

A revision of the establishment can hardly be avoided,

* Vide

proportion of rank in Chap. 1. Part III.

the difficulty of recruiting it with natives, the hazard of trusting to others, the insufficiency of the pay, and the exhausted state of the finance, militating against each other, will open the perplexing subject, and during its investigation many very important considerations, which do not appear at the first glance, nor are at all looked for by a superficial observer, will arise; so that a compleat revision of the establishment will become necessary, perhaps a total reform. Had it been originally instituted on one good general plan, a recurrence to its first principles would have been necessary, from time to time, to purify it from those abuses which even the most perfect system deviseable by man is subject to, from mistake, caprice, or dishonesty in its execution; but this is far from being the case, nothing like a previously digested plan appears; the fabrick, like a hut upon the waste, was suddenly built without authority, and hath been permitted to increase by little and little, through connivance, till it has become an immense edifice; and however may be its outward appearance, it is a mere piece of patchwork, and rotten within. There have been very able and upright men who have urged its total annihilation; nor have they wanted disciples in their system: it was long a favorite doctrine throughout the country; I shall not attempt to confute, because I acquiesce in most of the arguments which supported it. But it may not be amiss here, to consider why this popular scheme hath not been executed; we may trace the progress of a standing army by historic dates, and a reflection on circumstances cotemporary may point out the general grounds which have induced the people, indolently, to permit the growth of a disease in the state, whose increase they daily perceived and knew might prove mortal to their ancient and present share in legislation and judicature; should it be found at this day to have so far insinuated itself into the constitution as to become a part of it, a skilful physician by an equal regular diet may avert it from the vitals, but the attempts of a quack to eradicate it may destroy disease and patient together.

A general examination
and enquiry into the
subject.

C H A P. II.

Of the Origin of the British Army, and the Reasons for its Continuation.

AFTER the Restoration, 1660, when Charles the Second resumed the crown which his grandfathers' as well as his fathers' misapprehension of the English constitution had excluded from him, there were in this country many more officers and excellent soldiers, who had been formed in the civil wars, so that his establishment of guards (1) (whatever might be his motive) seems an almost indispensable *piece of policy*; it was necessary to employ a part of these warriors under the influence of the established government, as a check on the remainder (2). This consideration probably induced parliament so long to wink at the neglect of the substance of their various addresses to disband the forces, and not immediately resent the misapplication of the several subsidies granted for that purpose. France led that King in more fashions than in the name and form of his troops, which were copied from thence implicitly.

After the Revolution, the war in Ireland increased manifold the number of those bred to arms; and when England, in gratitude to her Deliverer, had adopted many of his prejudices, and the politics of the country from whence he came, and arose a principal in wars (which tho' certainly not unimportant to her, directly concerned her in almost the remotest degree of any power in Europe): When afterwards, she pursued that wandering meteor the balance of power, led by wily, irresistible Marlborough, or brave and open-hearted Cumberland, from period to period an increasing race of British soldiers was preserved, and necessity obliged government to retain those capable of maintaining a King *de Facto*, against those who pretended to be so

Rise and progress of a standing army in Great Britain, with some reasons why it was permitted.

Guards instituted by Charles the Second.

King William continues them.

Queen Anne pursues his steps.

Reasons for maintaining them in George the First and Second's reign.

de Jure, and who might have profited by the neglect to employ such able advocates in their cause (3); aided by these real, and one or two imaginary, and fictitious pretences, a standing army obtruded itself, and gained a kind of settlement in Great Britain, but these causes have now died away. Since a benign ray hath cheered the gloomy North, *hereditary rights bows* before the *golden image of liberty*, nay even the Catholic Church (bribed by lenity) acknowledges the Protestant Defender of the Faith: The ever-lost house of Stuart hath now no adherents that will take arms for it, no ally to support it, nor a friend to cheer it, but soft humanity and indolent compassion.

The former reasons do not now subsist,

The officers and soldiers formed in the last war, have either emigrated to America or the East-Indies, or their military ardour is extinct in obscurity, and they, as well as the people amongst whom they are blended, scarcely preserve the memory of their glorious victories, much less do they retain of the skill by which they were obtained. An enormous half pay and Chelsea list puts it in the power of government to check, or, at least, renders it acquainted with their motions. A few, a very few, alas! are active in our present forces, so that the standing army, *within the realm*, maintained since the last peace, hath not been from a necessity to prevent a resort to a hostile standard, there being in reality no such *bug bear*, did there subsist in the disbanded troops either the inclination or the means of repairing to it.

Enquiry into the present reasons necessary,

It most materially then behoves an honest man, who wishes well to his country, and who prizes its freedom, to enquire for what a standing army is, in these days, to be maintained within the realm; and to be careful that its regulations tend only to the purposes of public safety, for which it is permitted to exist.

An English standing army not requisite, to preserve the balance of power on the continent of Europe,

The grim spectre of universal monarchy haunts the dreams of the great and little politician no more. A talisman on which is inscribed, on opposite sides and equally legible characters, Russia, France, Austria, is in the hands of a Prussian sage, whose profound silence and indefatigable study will, in all proba-

probability, immortalize it to his posterity, by the unbarable entail of mutual jealousy; even though the present dominion of the smaller states be not secured; at least something like an equal division is the utmost which either the wile or the violence of ambition could atcheive, and e'er this almost visionary project could arise, the alarm would be sounded by the nations immediately concerned, and even then, should it at first be inattended to by the deafened ear of party system or stubborn ignorance, the different obstructions which must retard the final accomplishment of such an extensive plan, would afford time for reason to resume her sway over the councils of Great Britain, and for prudence to apply the requisite precautions for her particular security.

There is very little probability that a natural and surely not unamiable affection towards the native country of the Monarch, will suddenly again expose Hanover to be ravaged by the foes of England, nor England to sacrifice her best blood, and the largest portion of her revenue in the payment of an indispensable debt of honor to Hanover; nay why may not a great and beneficent line of policy actuate a British King to follow the generous example of the Emperor of Germany, and cede Hanover to a branch of his family, distant from the immediate succession to the throne, to the permanent advantage of both countries, as well as elevation of the Royal House of England, whose narrow and obscure condition the splendor of the Bourbon and Austria, nay of every other crowned head in Europe daily exults in, whose empire though not inferior to the greatest shows her less than the least, a conduct which reflection must repudiate, and the virtuous pride of a noble mind spurn with indignation and contempt towards the authors of.

But admitting that our security from the Continental measures is merely ideal, that events unforeseen, and temporary circumstances of a future war may divert us from the *general* line of good policy, the very utmost force which hath ever been permitted to be maintained within the kingdom, in time of peace, could afford to contribute very little towards the measure, nor give a weight and conse-

Improbable that England will be a principal in a German war any more.

Should it happen the standing army hitherto kept up not material to such an event.

quence to the interference of Great Britain, beyond what a smaller nor equal to what the same number would give were the army stationed in Ireland and the other dependencies of the Empire, to be employed as occasion requires, and its entry into our island conformable to our ancient and present laws absolutely proscribed. The pretence that such a body of men is requisite for the dignity of the Monarch, the support of the executive power, and the maintainance of order in the capital, can be justified by no other arguments than what would equally apply to the establishment of arbitrary power, and the destruction of all checks and restraints on an evil administration.

There would be more men for use if the same number was kept up in the dependencies of Great Britain, and their entry into the island proscribed.

Such a measure not incompatible with the dignity of the crown, the execution of the laws, nor the order of the capital.

Many less dangerous and less expensive modes are deviseable to surround the person of the King, and of his family with much greater majesty and equal safety. It is true the army hath been employed, and sometimes with effect, to quell tumults; that the quibbles of hireling lawyers have sophistically deemed it a legal instrument, a *posse comitatus*, &c. &c. &c. but its employment on such occasions hath ever been irksome to itself, odious to all reasonable men, and hath commonly done more harm than good (4): Its aid in the seizure of the armed defrauders of the public revenue, which (whatever may have been its occasional and extraordinary uses) is the only real and permanent one which it is of, is far from being indispensable, perhaps it might be as easily and more advantageously supplied otherwise, by wise and self-executing regulations; a naval establishment, or a more constitutional, less costly, but certainly by a force very inferior to the whole of the standing army. That part which under the notion of guards, and which under divers denominations inhabits or environs London, so far from producing order thereunto, contributes far beyond its numerical proportion towards the victims of vindictive justice, and that they do so little violence to police is most to be wondered at, whose total separation from their officers deprives them of all interior discipline to prevent, and whose hourly intercourse with the most dissolute and abandoned of mankind, provokes to vices and dissipations which their scanty means, scarcely

Part I. Chap. 2.

scarcely adequate to the severe calls of hunger and thirst, cannot provide for them.

Beware then, O my countrymen! of *these false tokens*, nor suffer your eyes to be dazzled and your senses confounded by the glittering veil and specious language with which despotism tempts you into its snares; watch him with the dotard eye of jealousy! This is his den wherein the people of almost all nations have been lured, and from whence no foot-steps trace their return.

Pretences that the necessity of having a standing army is on such accounts most dangerously to be distrusted,

Our ancestors wisely considering the bounds which Nature pointed out, formed not our happy laws and government with a view to dazzling and extensive conquests, nor foreign connections, their plans of aggrandisement preferred the perennial yet slow stream of commerce, to the torrent of rapine, and were calculated to keep open the channels of national wealth, by the faithful and steady hands of science, agriculture, art, and manufacture. The cheering rays of freedom and gentle rule softened the climate and fattened the barren soil; in the bosom of liberty ingenuities' active fancy felt no bounds of restraint; there industry sung the song of ease and security; in that asylum could she mock the mighty despots frown; nay with impunity might condemn the cruel anathemas of the merciless priesthood.

This was the situation, and these the maxims which, amidst the rage of civil dissensions, and under different parties, from early down to latter times, have been respected in theory at least, and never quite abandoned in practice; indeed they are so intimately united with the state itself, that they can hardly be extirpated without its dissolution. But Great Britain is now no longer the modest frugal trader, she is become the proudest Empress of mighty nations (5): Europe, Asia, Africa, and America have beheld with astonishment, envy, and awe, the wondrous achievements which native freedom hath produced, under the conduct of (6) him who knew to prize its value, and who could dart his enthusiastic spirit, like an electric spark, at the same instant over unmeasurable space.

That the ancient and present condition of Great Britain is by no means the same.

Her extensive conquests.

France and Spain blush with indignation at Great Britain's acquired superiority over them, and while their

The benefits of which her rivals will hardly let her enjoy quietly.

their wounds are yet uncloused meditate vengeance against her; their honor demands reparation, their interest prompts them to seek it whenever there is a probability, either by a (7) secret stab or open attack, to satiate their revenge.

A philosopher might be led to urge that all Europe having the clearest experience how much must be risked, how much is irretrievably lost, and how little can be now gained by war, are almost ready to coalesce in the benevolent abbé St. Pierre's (8) scheme for universal and eternal peace: But, alas! the ambition of any one of the many despots, one enterprising and war-like minister, or one stubborn, faithless, and crafty man in power on either side, can in an instant excite mankind to butcher one another without enmity, and without even the hope of gain.

Great Britain hath now but this alternative, she must resign her vast territories or become a great military power, and maintain within those territories a large standing army to preserve them to herself, from the attempts of external enemies, or internal rebels; but this indispensable necessity applies only to her (9) foreign dominion, with respect to which, and her transactions with foreign nations, she must shew one great, indivisible, active power, ready and capable to protect the weak, and to punish the insolent: But *her interior frame* is a machine of the most exquisite workmanship, whose equilibrium of motion and composition is so nicely poised and combined, that the admission of any extraneous matter must obstruct the explosions of war-like engines within it, will in all probability disorder, debilitate, and may utterly destroy it: Yet from thence must proceed the stern ordinance of arms, as of every other department, and it must not be left to accident within her vicious and dissipated domain, to inspire those actually employed in, or destined to command, with virtuous ambition and military patience, together with a love and esteem for their Imperial Mistress, an affection for her person, and a reverence for her decrees.

Since then the profession of arms is become necessary to the state, let us be assured that those who embrace

embrace it are irremissibly compelled to be acquainted with the subject, to have been initiated in the theory at their entrance into it, and to have been witnesses of its practice (10) before they can *possibly* be entrusted with the command of a regiment, nor let the cockade be prostituted to the idle, the dissolute, and the ignorant; from such the laws and constitution will be in perpetual danger, and our enemies in safety.

Since then a standing army hath gained possession in our land, and since attempts to its final expulsion would (if possible ever to succeed) be opposed with inexplicable chicane and prolix delays, equally costly and detrimental to all parties, since some advantages may accrue from its residence, instead of wasting our time in futile lamentations, idle protests and litigations, let us guard against its further encroachments, and as occasions present multiply and invent all manner of precautions, not subversive of its indispensable activity, which may render it the free servant of the state, and never the fawning slave of a wicked minister, nor of an unprincipled King, which hath been the (11) fate of almost all other standing armies, from the earliest records of their existence to the present era, and which, having served him to fetter those who from principle would have respected his person, have usually closed the scene by sacrificing the tyrant himself to their avarice or caprice.

To obviate these casualties, and to ensure to our gracious King and his descendants, an immortal empire over these islands, whatever may be the fate of exterior dominions, to render in the worst of fortunes caprices this country flourishing, and ensure the support of that enthusiastic bravery which even *ideal liberty* inspires, and which no art can supply where it *ever existed*, and from which alone it can either govern others, or maintain itself an independent state, is the intent of this essay. An attention to, and a reflection on the practice of foreign nations both antient and modern, have been the objects of the author's study, and much ocular examination. He hath seen many particulars worthy of imitation, but yet is on the whole convinced that

that since no nation is, or ever was, exactly in the same circumstances, no servile copy can suit us. Let us not then yield to an (12) alien smuggled over from foreign climes, who was born and bred to be the tool of despotism, a constitution which is the envy and admiration of the world, nor a race of Kings, not like most others, the offsprings of violence and usurpation, but royallised by the sacred title of free election: Let us adopt a child of Great Britain, nursed by the enervating milk of liberty; let us educate it with care, cherish it with affection, and instead of souring its disposition with peevish asperity, forcing its hatred (and what is worse perhaps a vengeful hypocrisy) by rancour and reproach, wisely prevent, or prudently and benevolently remedy its errors. Thus, as far as this uncertain world will admit, may Great Britain hope for a long life of honour and prosperity; from her army respect and the most generous attachment, and that it will, should ever age or disease enfeeble her, with fond affection and filial gratitude support her tottering steps.

END of PART I.

PART

PART II.

Of the Securities for the Army,

FIDELITY TO LIBERTY.

CHAP. I.

Of the Command of the Army.

THE first security for the armies fidelity to the laws, and its utility to the country, resides in those to whose command it is entrusted. If burlesque was to employ its active fancy in inventing the most preposterous absurdity in government, it could hardly pitch upon a greater than *an army without a chief*; nor could the sneaking cunning of hypocritical despotism devise a system more incurably poisonous to a free state.

In England the King is supreme (1) over all the forces of the Empire by sea and land, and over every department of government, and in all *his conduct* is liable to no legal scrutiny; on the contrary, he is pre-acquitted of every imputation of evil design or error, and his person is sacred, for *he can do no wrong*. (2) This perfect union of authority, this independence, and these attributes not only give lustre to the crown, but guard it, as well as the liberty of the subject, from those assassinations, civil wars, anarchies, and tyrannies under which the Roman empire and freedom were tortured and fell. Yet if we were to consider the position abstractedly by that

The conduct of the army depends *first* on those who command it,

The King by a fiction of law, hereditary and perpetual commander in chief.

But his person being
sacred there is no secu-
rity for his conduct as
Commander in Chief,

And that is the only
department which no
intermediate persons is
directly responsible for,

The office of com-
mander in chief must be
established by law.

that in a limited monarchy, the monarch cannot be punished for the breach of its limitations (3); our constitution instead of attracting the veneration of the age, would be the object of his contemptuous pity or his ridicule. But on a further examination we shall find it provided, that the King cannot execute any act of importance without his council (4), and that they are responsible in their persons and properties to the country for the advice they give him, either as to its expedience or legality; (5) that in every branch of public business one or more persons are requisite to give his commands a legal form, and who, by the affixation of the seals, of which they are *notoriously* in possession, or by the signature of their names, stand forth approved criminals and devoted victims to justice, at least, till they can fix the crime on the real object. The King (it is true) may remove from his councils those who refuse to obey his *absolute commands*, but then he must appoint others (6), for the moment he passes that boundary, he sets his crown on a dice, and exposes his person on equal terms with any bold adventurer that will take up his gauntlet.

The army, according to its present constitution, is the only department in which no intermediate person is *directly* responsible for its conduct: The navy, which is the other branch of the sovereign's military command, and over which he is *equally supreme*, although it is not so liable to be employed to subvert the laws, nor entrusted with a greater share of treasure, or a complication of business fertile in fraud, is more carefully guarded (7) and consequently much more faithfully and wisely administered.

Analogous then to the solid principles of the constitution, to secure the persons of our present and future Kings sacred and inviolable, as well as a national controul, whose operation over the army may not exist in theory only. The office of Commander in Chief must be annually voted with the army as a *finis qua non* (7); the persons entrusted with this office to be appointed and removed at the pleasure of the crown, but every order to the army to pass through their hands, and every department relative

to

to it to be subordinate to them; an attorney and solicitor, duly authorized and sworn, who are to be responsible for their opinions when called on to give them, and which are always to be kept in the original as well as in an attested copy to be recorded in the office, require a legal positive sanction at the same time: This not to be in *general* what is called a *cabinet employment*, that is, not to be concerned in the little intrigues, corruptions, and parliamentary manœuvres incidental to the usual mode of our administration by parties or cabals, on the contrary, its very institution is founded to preserve the army quite chaste from such prostitution, wherefore this office, which hath very seldom lain dormant, but usually subsisted with divided and disputable authority, and consequently very doubtful responsibility to be now accurately and positively ascertained in both.

First then; Every augmentation of the army, or the introduction of troops into (8) *any part of the empire* beyond the number voted by parliament, to be signified to the Commander in Chief, by warrant under the Great Seal, against which he makes his representations, but which warrant, within eight days at the furthest after its delivery to him, he must issue orders for the due execution of, under pain of being tried by a Court Martial for disobedience, unless, within that term, convinced of the illegality, or reasonably apprehensive of the wicked tendency of the measure, he shall think proper to resign his employment, which it shall, in *this case*, be lawful for him to do without incurring any penalty whatever, and to retain the original warrant, and to cause his reasons for not obeying it to be enrolled in Chancery within one calendar month after his resignation, which shall be received in his own words and form, without any delay or chicane, in order to its remaining an incontestible record for ever; nor shall the same form of a warrant, or its contents, be carried into execution by any other persons, but by a new Commander in Chief duly appointed and sworn, under the severest penalties against whoever shall issue such orders (9).

Not to be a cabinet
councillor.

Obedience to administration defined, and the augmentation of the forces, or introduction of troops with an evil design obstructed.

Record of the transaction provided for.

Further provision to identify the person that really makes, or alters the disposition of the troops.

With respect to the destination of the troops, whether for service against an enemy (10), or for extraordinary occasions within the empire (so as they do not tend to introduce into the island of Great Britain a greater number than voted by parliament, *in which case* the Great Seal must be used as above, &c.) a warrant from the Secretaries of State signifying the commands of the King in council, to be directed to the Commander in Chief, which he must obey at his option as above, *or resign*, and alledge his reasons, which should be entered into the council book, and *in the paper office*, so as to afford positive proofs of his conduct should parliament ever require them. Every possible evasions of these enrollments should be guarded against by particular and general provisions, and penalties of person and estate inflexible and recoverable before a jury; the pardon or *noli prosequi* of the crown to be at the peril of the officers concerned in passing them, and to have no other effect than in staying execution till thirty days after the next ensuing session of parliament, during which time if no address to delay, or act of parliament to revoke issues, the judgment to be final and irrevocable.

The officer who commands the army should be consulted relative to all its operations, but yet must obey the civil power if it will become responsible for its orders, and acts conformably to law.

Having thus provided for the due subordination of the military to the civil power, as well as warned (11) either of the dangerous consequences and inconveniencies of a wicked or wanton assumption, or a capricious denial of authority, it may be hoped that the exercise of certain and defined power would proceed with effect quietly, and as of common course. It is, however, to be presumed that previous to any military measure being decided on, those entrusted with the land or sea departments, or both, if both are to be concerned, would be summoned to council, and be requested to collect and deliver in all the information in their office (12), as well as their private opinions on the subject matter; but tho' the Commander in Chief should receive every exterior mark of respect and precedence due to his private or public rank in the country, it seems expedient that he should never vote in council on such occasions, lest he may be tempted into a cabal, or his conduct be influenced by personal considerations; and

and it should be clearly understood that this summons to council should be by no means claimed as a matter of right, nor its omission construed as an affront to the office or person, provided the minister, at his own peril, chuses to dispense with his participation of the project, and expedites the commands of the King and council duly (13).

This office should have the custody of one of the King's signets, as have the Secretaries of State, and receive from the *King only* his commands where requisite, and attest his Majesty's sign manual, being with respect to all the other circumstances of the army, excepting above specified, solely and absolutely responsible. But lest the patronage incidental to so extensive a department (if totally unlimited as is, alas! the case in most others) might tempt an ambitious man to employ it to create a personal faction, or an avaricious one to fill his private coffers; a set of general regulations (14) framed for every common occurrence being digested into order, should receive the sanction of the King and council, and be preserved in the council-office, the war-office, and its respective branches of business, as a guide for the conduct of army affairs; and should any of them, from the rise of new circumstances, or upon trial, be found inconvenient, the Commander in Chief should summons a military council, not to consist of less than twelve, and none under the rank of Colonel, lay the case before them, and being possessed of their opinions, present them, together with his own, to the Lord President of the council, in whose office, as well as in that of war, the whole proceeding must be recorded (15): If the *King and council* approve of the reasons offered, then the old regulation to be (16) *quira ex-rungam*, and the new one substituted in its place, but if not, the representation and advice given to remain recorded. Without this process the Commander in Chief must be understood to be at liberty, *at his own peril*, to depart from these general regulations on particular occasions, provided his Majesty consents thereto; and that the reasons for such deviation, if in promotions, be inserted in the body of the warrant (17) or commission, and if in

Authority of the Commander in Chief with respect to all the concomitant details of the army should be exclusive.

But he must, with respect to them, be governed by general rules to be established by the King in council.

Mode of altering these general rules when found inconvenient.

How particular exceptions to them may be permitted,

other

other matters, in the order (18) given out for its execution, or where the occasion really requires the true motive to be concealed for a time, that then such motive be superadded to the others, and the whole registered in the principal war-office, and in the departments which it may concern.

C H A P. II.

*Of the Composition of the Army, and the Securities
that it shall be so composed.*

The army must be
composed of natives.

Reasons why.

ANOTHER object of primary importance is, that the sword be trusted in the hands of natives only, and of the protestant religion (1), who having issued from, and liable to return again into the body of the people, feel that affection for the soil and the laws of their country which nature (with very few exceptions) implants in all mankind, and who having an interest to preserve a free and secure retreat for the evening of their lives, cannot but be sensible that if they establish a despot it is not only their relations, friends, and countrymen, but themselves also whom they enslave, diminishing the value of whatever share of property either they or their descendents possess, or might become the heirs of; that while the ancient form of government subsists, person, property, and opinion can undergo no violation, nor even a regulation but by the act of their representatives, who, even admitting them to be corrupt and ignorant, make no law but what equally bind themselves with the rest of the country; that the explanation of these laws is also (2) their own, and theirs of equal description with themselves, who, diffident which next may be the judge, which the judged, are irredeemably pledged to justice and forbearance. On a change all this must vanish at
the

the royal nod; and what is to succeed? possibly one solid, reflecting, and active monarch might introduce an order, and inevitable precision in obedience at first sight most pleasing, and imposing on the understanding, which his successor, a weak, superficial, and indolent despot, might let run to ruin or pervert, for wisdom cannot be entailed, nor freedom mortgaged so as to be redeemable. Even tho' there could be found a body of Englishmen sufficiently numerous to support an absolute government, and wicked enough, for mere hire, to make the attempt, they could hardly be fools enough not to recollect that the very wages of their iniquity may be withheld, or taken from them by the very tyrant whom they raise up; that of course their personal destruction must ensue (3), for how many years were the Roman armies alternately creating and murdering their tyrants, and these tyrants employed in sacrificing the ruffians whom they dreaded to their own safety; often by strife artfully excited amongst themselves, they fell by the hands of their comrades; often were they devoted to the swords of the barbarians, or sent to linger under the diseases of inhospitable climes, while their leaders lulled into security by the insidious smiles of a court, became an easy prey to the glaive of jealous ingratitude, till debilitated by intestine disorder, the whole empire was conquered by strangers, who either dispersed into distant captivity or extirpated its unworthy sons.

Thus must the native feel—and while calm reason directs him, be deterred by this sad catastrophe from following the horrid example: Alike a lesson to Kings and their subjects, and a warning not to attempt by arms to enslave a free state. But not thus the alien—implicit obedience to the Prince whom he serves is his first virtue: his affections remain in the land which gave him birth, whither he hopes to retire and enjoy the earnings of his youth; he hath no interest to withstand the temptations of honor and reward held up to him by the court; he rather gains than loses privileges by the crown being freed from all restraint. If he feels any prejudices one way or other with respect to our laws, as a soldier it most probably is in their disfavour, neither having

Reasons against aliens

time nor patience to examine the whole machine, he judges of it by its external parts, or by separate internal ones which he may accidentally have caught sight of; whence it appears to him (4) a labyrinth of chicane, and a mass of corruption, not calculated to promote *one*, but to obstruct every form of government whatever.

They are already prohibited by law.

On the natural affections and general inclinations of mankind, confirmed and manifested by particular examples, was that law formed which excluded foreigners from our service, and so important did our ancestors believe it to be, that they gave it an equal degree of sanctity with the title to the crown (5).

It is by the act of settlement that all foreigners (tho' naturalized) are positively excluded from all offices civil or military, and the general extent of this law was solemnly recognized by King, lords, and commons in the preamble of the act of parliament, passed in the year 1756, to enable the King to raise a corps of such foreign protestants as would enlist, and their station to be in *America* only; the corps was to be formed into four battalions (6), the Commander of it was always to be a native, and only fifty foreigners (being rather less than one half of the officers) were to be permitted to hold commissions in it. Upon the foregoing clear maxims of reason and law should our army be continued, but some further provisions are requisite to secure permanently the execution of this general rule (7), as well as the conditions upon which exceptions to it might be allowed.

An easy method of insuring the execution of that law, by making an oath necessary to render the commissions valid.

The surest mode of preventing evasions seems to be by rendering a record of the matter of fact inevitable, and of as much notoriety as may be: Wherefore when his Majesty, or any one authorized by him, notifies any person to his first commission, he should be obliged to appear before the Commander in Chief, where the oath hereafter mentioned should be administered to him, which should be recorded and signed by him; a certificate of his having taken the oath, time and place, and before whom, mentioned therein, to be placed on the same

same parchment with but not in the body of the commission, without which it should be null and void (8).

The O A T H.

" I was born at _____, in the county of _____,
 " in England, Scotland, or Ireland, and was
 " christened at _____, in proof whereof I now
 " deliver in a copy of the parish register, signed by
 " _____ then rector, vicar, or curate, dated (9)
 " and witnessed by _____; and I de-
 " clare it to be a true certificate, and that the
 " names of the persons affixed to it were actually
 " written by themselves. I was bred a protes-
 " tant against the church of Rome, according to
 " the rights of the church of England, kirk of
 " Scotland, or the tenets of any protestant dissent-
 " ing congregation, and I now profess myself a
 " member of _____

Form of the oath.

Respecting the reli-
 gion and country.

" I promise to bear faithful allegiance to King
 " GEORGE the _____, and the laws of Great
 " Britain; that I will study (10) and endeavour to
 " make myself acquainted with all the theory of
 " war, according to the best of my abilities, and
 " serve my country as a _____ with all my
 " strength, skill, and knowledge against her ene-
 " mies throughout every part of the world; I also
 " promise that I will yield a quick and compleat
 " obedience to all positive orders of any my supe-
 " rior officers, so as to render them as effectual as
 " possible, notwithstanding they may differ from
 " my private opinion, excepting only when such
 " orders shall be to do violence to the civil govern-
 " ment and constitution of Great Britain, or against
 " the known laws of her empire (11); all this I
 " promise and swear on the Holy Evangelists, and
 " in testimony thereof hereunto subscribe my name,

Allegiance and fide-

lity.

Obedience to orders.

A. B.

(12) " I

A declaration proper to awaken reflection to the consequences of any deception or collusion with respect to what is sworn.

(12) "I do moreover voluntarily confess myself to be guilty of wilful and corrupt perjury, and put myself on the judgment of the laws, to be tried and punished for the same, in case the above declaration with respect to my religion and birth be not strictly true; and I understand that this offence subjects me to be set in the pillory, and my ears nailed thereto; to be imprisoned and kept to hard labour for seven years or be transported, and besides being fined, my oath not to be admitted in a court of justice, but myself rendered infamous and unworthy the society of all honest men."

A. B.

The above oath was duly sworn, and the subsequent declaration and confession made and signed at
on the day of 17,
in the presence of

C. D. F. G.
E. F. H. I. &c.

and this is the original and true record of the same.

K. L.

The whole to be repeated again in public so as to deter any one from any collusion, by facilitating the means of convicting and punishing them; the oath to be made a record.

On an officer's first arrival at the regiment, troop, company, or corps to which he is appointed, he should present his commission to the commanding officer, and (13) publickly, at the head of all the officers and private men of the corps, present in camp, quarters, or garrison, to be drawn out under arms for that purpose, audibly and distinctly read aloud, or repeat the above oath and declaration, and sign a copy of the same in the regimental book, which being certified also on his commission (14) and in the next monthly return (15), should be recorded in the war and pay-office.

Form

Form of the Certificate.

Cornet or ensign, &c. A. B. repeated the usual oath and declaration, and subscribed the same in the regimental book at the head of troops, or companies, or a detachment of of the regiment being all the men then present in camp, quarters, or garrison, on day of 17 .

Z. Y. commanding officer.

P. W. { Two other officers of
J. S. { the regiment next in
seniority at least.

As the absence of officers from their corps might sometimes prove detrimental to the service, all (16) subsequent commissions to become valid, when the above certificate is placed upon them, and in case a civil magistrate shall neglect to attend, three officers to be empowered to administer the oath, the first paragraph of which to be altered thus:

" I declare that I am an Englishman, Scotchman, or Irishman, and a protestant against the church of Rome according to the rites of

" I promise to bear, &c. &c. &c.

Every officer should however be obliged to (17) appear before the Commander in Chief at the war-office, and in his presence again repeat and subscribe the oath and declaration, also in addition to them the following:

" I also declare that this is the first opportunity
" I have had of attending at the war-office, not
" having been in this city or its neighbourhood,
" with leave of absence, since the date of my commission as until

Every warrant-officer to take and sign the declaration and oath publicly at the head of the corps, and the certificate thereof to be necessary to render the warrant valid, but not to attend at the war-office; and every non-commissioned officer at each

Warrant-officers to take oath.

Non-commissioned officers and private to take it of course before a magistrate at their enlistment; but afterwards to declare their country and religion in public, that the truth may be publicly known.

promotion to stand forth and repeat in an audible voice: "I do (18) declare that I am an Englishman, (or as the case may be) a protestant against the church of Rome, and of the church or congregation of ; I will be faithful to King and the laws of Great Britain, do my duty as a , to the best of my power, and be obedient to my superior officers.

Every private soldier on the first occasion, after he shall have joined his corps, to come forth into the front, and kneeling down on his right knee, take hold of the standard (19) or colour with his right hand and repeat aloud,

"I am an Englishman (or as the case may be) and of the church or congregation of ; I will be faithful to King and the laws of Great Britain; I will defend my standards or colours against all their enemies to the last drop of my blood, and will be attentive and obedient to the orders of my officers."

The officers to be answerable that no collusion be practised, but that if any man hath declared himself of a different religion and country to his real one, he shall be punished.

Lists of the army to be published by authority for the easier detection of any variation from the evasion of the law.

The country and religious sect which every officer and soldier swears and declares himself of, to be inserted opposite to his name in all muster-rolls, review returns, &c. (20) and all frauds, collusions, or negligences in this respect to be carefully guarded against, and punished in an exemplary manner; in all monthly returns the same insertion to be opposite every officer's name, and the numbers of each country or religious sect in each troop or company to be specified, and a (21) list of the army to be annually published by authority from the war-office, from the last returns therein, mentioning the date of each, and containing all these particulars.

C H A P. III.

Of the British Militia.

THE land force of Great Britain may, with some propriety, be considered as three separate branches springing from one root—the militia—the army within—and the army without the realm; (1) the former calculated solely for defence and domestic use, (2) the two latter being a *corps de reserve*, intended to fly wherever danger presses or occasion for victory presents; so that figuratively speaking the army is the sword, the militia the shield of Great Britain.

Our term Militia seems to design, (3) *the free subjects of the state instructed in the science, and exercised in the practice of arms for the defence of their rights and properties*; so long as it really continues so, its *perpetuity* may guarantee the perpetuity of the constitution. But beware, O my countrymen; lest while ye dream this enchanted vision, a viper creep not into your bosom and dart therein a mortal sting. (4) Evasions of the qualifications of the officers, and (5) the service by substitute, becoming a little more general, may render your militia that very unprincipled mercenary standing army your ancestors and yourselves have aimed all your precautions against.

To awaken the national attention to this very important object (6) an annual list, or a triennial one at least, should be printed and *published by authority*, containing the names and ranks of the officers of militia, and opposite thereto a specification of their qualifications, whether in houses or land, in whose occupation, and in what parish and county, &c.

Militia must be considered as a part of the army.

Its description in its natural state.

Must be strictly watched lest it degenerate from its institution.

Lists of the militia to be published for the same purpose as those of the army.

&c. and added thereto the numbers of men in each company, distinguishing how many were drawn by lot and serve personally, and how many are substitutes for hire, these also to be particularized under the heads of men (7) whose legal settlement is within the county and elsewhere, and by a figure expressing how many times each hath been enrolled and sworn in.

These lists may also suggest some new provisions to be necessary.

A new specification of the officers' qualifications, and a provision that the freemen in arms in every county should be associated only with their own neighbours and countrymen, and be commanded by their landlords and gentlemen of real property whom they know and are known to.

The general principles of the militia-act were the offsprings of true wisdom, and its particulars seem to have been penned with great care; but if it should be found on an inspection and candid examination of the list before proposed, that its practice hath derogated from the real intentions of its constitution, it should be furnished with further provisions to reduce it to, and effectually preserve it in its natural state, and within those bounds which belong to it: Perhaps one of the first additions to the act would be, to enjoin that the whole of the qualifications of the officers must be rated to the land tax, and together with the settlements of the substitutes be within the county for which they serve (8); that oaths respecting these points be recorded by the clerk of the peace, either being originally made, or repeated as before mentioned for the army at the head of the regiment and in public, and the commissions not to be valid without a certificate thereof upon them. Second, That gentlemen possessing estates of certain values should be liable to be ballotted (9) to serve as officers in ranks proportionable to their properties: In times of war, rebellion, invasion, or imminent danger thereof, who could think this unreasonable; but if it were a general rule, it would absolutely disable a lord lieutenant from packing a militia, nor could it hardly possibly be in the hands of any *single faction* or party, and the mixture of political opinions, which chance would make, would be the best check against the misapplication of a militia, while the interest of every individual would be a security for its right conduct against invaders, tyrants, or rebels. Thirdly, That nothing but (10) personal service should exempt any one from being ballotted for every time, the finding a substitute or payment

payment of the fine only compensating *pro hac vice*: This would naturally encrease the number of men instructed in arms, and of real freemen serving in defence of their property, yet diminish the poor industrious labourer, or mechanick's chance of being compelled to quit his family and occupation, and apportion the pecuniary fine amongst those best enabled to part with it. Fourthly, Another circumstance of future consideration, at regular periods, is, that the qualifications of the officers, fines, &c. &c. should be increased in the nominal sums of current money, so as to keep them up to their original relative value. It may not be amiss to mention here (tho' not in its regular place) that a simple code of laws or articles of war are requisite for the militia as a guide for their general discipline (11), and that their cloathing and distinctions should depend on the Commander in Chief's office, lest by holding forth to vanity the same ornaments as the army, with a greater bounty-money, pay, and emoluments, yet without its hardships and inconveniencies, the common people whom nature and inclination urges to become soldiers, be misled by false lights from the more material service of their country: It is needless to add the necessity of a general conformity in exercise, evolutions, &c. &c. to the orders for the army; and that the useful part only be strictly insisted on; the parade part is only for the idle time of idle troops, not for the misemployment of the militia during their short lessons in war.

Qualifications and fines to be received from time to time lest they sink into mere forms, as is the case with many other laws.

A separate code of articles of war for the militia, proper.

And an adherence strictly to a general plan of manœuvre, so as to enable it at once to join and co-operate with the army, must be enforced.

C H A P. IV.

*Of the Employment of Catholics and Aliens without
the Kingdom, and the Conditions on which they
might be safely armed.*

THE composition of the army within the realm, the means of ascertaining what that composition is, of providing full information respecting its conduct, by a regular and peaceable tho' infallible mode of proceeding hath been the more insisted on, and its consideration enlarged, because it is of the first importance to provide in the most effectual manner. (1) If ever an armed society is permitted to insinuate itself into the kingdom, which hath no ties of personal interest, family-connection, or homefelt affection for its constitution, it will not be removed without a dangerous convulsion in the state; neither the expiration of the annual mutiny act, by which it is governed, nor of the taxes by which it is paid, will disperse and expel it. Martial law of its own devising will supply the former, and contributions raised in a very summary way the latter.

Army without the
realm.

Good policy however dictates other considerations with respect to the army without the realm; the vast extent of the empire requires a very numerous force, to recruit which, *with British subjects only*, would be perhaps too heavy a tax on our population, agriculture, and manufactures, and divert much beyond the adequate proportion our more natural exertions in support of our navy. It is with a trembling hand the author proposes establishing
corps

corps of (2) *Roman Catholics*, yet policy seems to demand some such measure to destroy for ever the connection of France and Spain with Ireland, or with any other part of the empire where there are subjects of that persuasion, who are inclined to the profession of arms; regulations founded on liberal principles, and carefully digested, might render this the source of the most desirable events, perhaps in time detach them from all connection with the church of Rome, or submission to any foreign jurisdiction whatever, the which, and not the mode of worship nor private faith in mysteries, demands the strict watch we keep upon them, and the fetters with which they are bound, as well as the severe and sanguinary laws which overhang their altars, and which liberty and toleration, tho' blushing and in tears, must refuse entirely to repeal (3). One of the first articles might be, that all catholic officers and soldiers, while in the service of their country, and such of them, who after having served it should produce a certificate of their good and faithful conduct therein, should be thereby exempt, as well with respect to their own persons and property, from all penalties and restrictions against papists, provided they did not attempt to make proselytes, nor enterprize any procession or ceremony inconsistent with public order (4).

Catholics might be employed in the army without the realm.

Any implied authority or vague and secret permission to arm catholics is most to be feared (5): a positive legal sanction secures all, limits their numbers, ascertains their bounds, quiets their scruples, and provides a reward for their service, which those that merit will be sure to enjoy.

Must be limited in their numbers, and as to the conditions whereby they are armed, by an open and avowed law.

A certificate of having made the following declarations and oath to be indispensable to legalize the commissions of catholics, and two records, one with the regiment, the other with the war-office to be secured as evidence; the commissions themselves also to run, "constitute and appoint you to be

" &c. &c. throughout all our dominions, excepting
 " in Great Britain only (6), where we strictly en-
 " join and command you never to assume any com-
 " mand of any of our troops, excepting when autho-
 " rized

" rized so to do by an act of parliament passed for
 " the time and occasion only, in case of invasion,
 " rebellion, or most imminent danger thereof, when
 " you shall take rank from the date of your present
 " commission in our army within the realm, but
 " this shall cease with the term prescribed by the act
 " of parliament, nevertheless we grant unto you all
 " the precedence, honors, and distinctions, and en-
 " join our army and all our subjects to yield unto
 " you the same according to your degree within the
 " island of Great Britain, excepting military obe-
 " dience (7), in all other parts of the world we
 " strictly command and enjoin them to obey you
 " as &c. &c. &c."

The Declaration and Oath.

" I , was born at , in ,
 " and baptised , whereof the parchment
 " which I deliver at the time of making this oath
 " is either a certificate of the priests and witnesses,
 " &c. or other testimony, and the best evidence I
 " can procure, in proof of , I profess
 " myself a Roman Catholic ; I promise,
 " &c. &c. &c. (as in the former page 21) to con-
 " stitute of Great Britain ; I moreover swear that
 " I will never assume any military command either
 " with or without arms, or under any pretence
 " whatever in the islands of Great Britain or Ire-
 " land, without previous consent of their respec-
 " tive parliaments for that purpose, and then under
 " such conditions and limitations as they shall pre-
 " scribe, and for such time only as they shall autho-
 " rise me.

" This I solemnly promise and swear, duly and
 " honestly to perform without any mental reserva-
 " tion, and renouncing that any previous or subse-
 " quent absolution can acquit me in the breach of
 " it, wherefore I kiss the Holy Evangelists accord-
 " ing to the laws of my country, and the image
 " of my crucified Saviour, whose body I have re-
 " ceived

“ceived in the sacrament, that they may punish
 “me here and hereafter if I keep not my covenant;
 “in testimony whereof I hereunto subscribe my
 “name.

“I do moreover voluntarily confess, &c. (*the
 “same as for the natives and protestants*) to
 “honest men, *after which*, I also understand that
 “my coming into England, *in warlike array*, with-
 “out the consent of parliament, subjects me to be
 “put to death as a traitor, and to incur all the pu-
 “nishments which the law denounces against high
 “treason, without a possibility of pardon but by
 “act of parliament; I also understand that I am
 “bound to wear the uniform belonging to my rank
 “in the army, or of the regiment or corps to which
 “I belong, with the cross, (*or such distinction as
 “is commanded*) *thereupon*, whenever I go forth
 “from out of my dwelling on every Sunday in the
 “year, while absent by leave, or on any other
 “pretence residing in the island of Great Britain,
 “under the penalty of one hundred pounds to
 “whoever sues for the same, or in failure of pay-
 “ment, the loss of my commission and disabili-
 “ty ever to enjoy another, or the privileges at-
 “tached to my former service.”

Records of the oath and declaration, and the pub-
 lic repetition of it to be made in the same manner
 as before specified for the protestant natives,
 also what is therein mentioned relative to subse-
 quent commissions, the warrant and non-commis-
 sioned officers, and the private men (*mutatis mutan-
 dis*) and the returns and publication of the list of
 officers' names, country, and religion, and of the
 numbers of men to be distinguished in the same
 manner.

Since officers of all degrees, and soldiers quitting
 their native country, let themselves to those who
 hold forth to them the most advantageous terms,
 it were highly impolitic in Great Britain not to pro-
 cure the best which can be engaged for her service,
 provided it can be done with safety to her liberty;
 and

Aliens might also be
 permitted under certain
 conditions,

and this may be secured by rendering their entrance into the island impracticable, unless in times of the most imminent danger, and then with the previous consent of parliament for a limited time, and under special conditions.

The same precautions of oaths, declarations, printed lists, &c. which have been recommended with respect to the catholics, are requisite (*mutatis mutandis*) for the alien troops: The former should have a cross about two inches long and an inch over, in cloth of the colour of the facing of their regiment, the latter a globe about an inch diameter, each to be affixed on the breast of their coats or outward garments. As an excitement to remain faithful to their engagement, all those who, after having served seven years, should obtain from their commanding officers a certificate of good behaviour and a recommendation, should be, *ipso facto*, naturalized, and authorized to exercise a trade &c. throughout the empire.

But without proper restrictions it were better to forego their service entirely.

By the engagement of catholics and aliens, Great Britain not only would diminish her rivals' military resources and increase her own, but by the rewards held out for their fidelity she would preserve of the former and acquire of the latter a number of useful subjects; yet still let it ever be remembered and held as a *sacred and incontestible maxim*, that British freedom cannot be safe, if under any pretence whatever this part of the army is established *within the island* as part of the standing force:—If that cannot be guarded against by the most solemn and irrefragable compact, it were better to forego its service entirely.

It seems also expedient that no catholic or alien should be capable of holding the office of Commander in Chief of any garrison, or country within the empire, without a particular act of parliament for that purpose, but that in case of vacancies the command should always devolve *pro tempore*, on the protestant native of Great Britain next in succession.

In

In the foregoing pages an adherence to the spirit of those established maxims which pervade our admirable constitution, which above a century had sanctified at home, and the voluntary applause of wisdom throughout the whole world encouraged to persevere in, hath been the chief object of the author's reflection. No *boundless* power in the crown, (8) no authority of the subject independent of it, by which ambition can resist its reasonable decrees, seem analogous to the government of Great Britain. Yet a certainty of the persons which advise whenever a discretionary latitude is permitted, and a security for the performance of the conditions whereon any new power is granted, are absolutely requisite for the permanency of perspicuity, active rule, and effectual obedience, as well as that they are the best guards against faction and treachery.

The *fanatic republican Regicide* could not lay a more malicious snare for a British King, than to render indefinite his military authority; to persuade him that he *might*, without consent of his people, introduce into his dominions, troops of what nation, description, or under what code of laws he thought proper. (9) Youthful resentment at the provoking perversions and abusive censures which freedom of speech and of the press admit against every public measure, must mislead *some* future monarch to assume the exercise of this dangerous and useless prerogative. It can never be peaceably acquiesced in. Corruption would demand too dear a price for the masquerade habit of law to let it pass in that guise; and the attempt (if abandoned) would excite in men a jealousy of the designs, and at the same time a contempt for their weak and fearful governors. If persisted in, the appeal is to arms. A long fluctuating contest follows. If defeat ensues, a political if not personal death is the consequence. If victory crowns the King a despot, it annihilates at the same instant that powerful antidote, that impenetrable shield with which liberty secured his person against the poison of the dark enthusiast, and the dagger of the devoted assassin,

D

while

The foregoing plan calculated to strengthen and unite the King and his people according to the spirit of the constitution, and the liberal and impartial construction of its powers.

While it impoverishes his revenue; for the universal experience evinces, that with every engine which despotism can employ, it can never extract from its subjects any tribute, for a permanency proportionable to that which freemen will voluntarily contribute, and which their freedom enables them to procure by commerce with other nations, and their esteeming what they pay as an ample insurance for the security of the remainder, induces them neither to conceal nor remove their wealth as is the case in most other states.

END of PART II.

PART

P A R T III.

Means whereby to ascertain PUBLIC UTILITY from a STANDING ARMY.

C H A P. I.

Of rendering some theoretical Knowledge of the Profession of War indispensable in every Officer according to his Rank, and making the Interest of all to acquire Experience by actual Service.

IT is irreconcilable to that reason and good sense for which the English have been famous in all their public constitutions; that whereas a previous education is indispensable in every inferior art or trade, as well as in every science and profession within the country; in the military (the most difficult of any to attain any degree of perfection in) it should be entirely neglected, nay that it should be the fate of those who are the most deficient in point of all general learning to be thrust into it, after they are esteemed unfit for every thing else; that these men being placed in certain corps may revel in vice and indolence, glory in their ignorance, and yet attain the very highest offices of war.

Disadvantages arising from the want of a military education, and the defects of the military constitution, which admits men into high and responsible office, without any qualifications for the execution of it.

D a

The

The steady adherence to any plan which should entirely prevent men from rising in the army from civil influence could hardly be secured; and as civil influence *generally* derives from landed property, or a very near connection with those who possess it, were the thing feasible it might be attended with very ill consequences by discouraging men of rank and family, under the above descriptions, from entering into the army, consequently abandon it to an order of men very easily to be perverted from their allegiance to the constitution. It is however an object worthy very serious attention to provide, that no officer in the British army shall be able *possibly* to obtain any command in it without some theoretical and *practical* knowledge of the science which he is to direct. In the British navy it is impossible for any man to be quite ignorant of his profession, and we have found the indisputable benefit, to our enemies cost, of obliging every man of what rank and condition soever, to serve an actual apprenticeship before he can be entrusted with a command; for want of which the bravery of our soldiers is often rendered useless by the insufficiency of our officers, who know not either how or when to exercise it to advantage, or even on an *equality* with our enemies, nor even to profit from such victories which accident and wild valor throw into their hands.

Men of talents lost to
their country for want
of care.

A true portrait.

How many a young man, alas! of the most excellent disposition, warmed with that virtuous and generous ambition which is the soul of all great actions, desirous and capable, from his active mind and solid parts, of mounting to the summit of military science, is lost, is thrown away for want of a plain guide, who is in his common senses, to direct him; after finding the inutility of the abstruse parts of fortification in the service of the line, or of the little scale of drawing which he has learned from some poor devil of a drawing master, who retails Vauban, Blondel, Clairac, Muller, &c. like other retailers, without having any practical, nay often reasonable idea of the manufacture which he lives

lives by. After finding that his demonstrable, *consequently infallible*, problems in mathematics have led him into the most absurd errors respecting military manœuvres and orders of battle. That a smart dress and a parade learning have nothing to do on service, unless to send the soldiers to the hospital, and avert the attention of the officers from the most essential business: after finding all these which he hath successively learnt from various superior officers, to be *each* of them the only object worth attention, or hearing from them a complication and confusion of infinite innumerable considerations, each absolutely necessary, yet which the mind of man is incapable of combining or containing. He is tempted to forego all further research after so perverse a science; he at first becomes careless and indolent on the subject, and if his circumstances will not enable him to quit the service, he employs himself in dissipation or vice, and waits till time or chance sanctifies his inattention by a job for cloathing a regiment and the fir-name of *General*.

Others of quaker parts, without much reflection, misled by the absurd commendations given at courtly reviews, employ their active fancy in the invention of strange dresses, or in hurrying from one parade to another all over Europe, where they catch the first new object which strikes their sight, and return with fury to cram down the throats of the unhappy subjects of their command a confusion of foreign rules and regulations, without considering whether they are either necessary or apt for the natives characters or the nations laws. These soon become the tyrannic scourges of the accomplished officer, and steady yet enterprising soldier, for since they cannot enter the threshold, they will suffer none to pass them. These quacks in war impose on the ignorant by some unnatural and unexpected tricks, acquire favour at court by a flattering disclosure, that if a man can but ride in the manège, dance, and has a fancy in dress, he is fit for military command. Thus they either deceive an unwarlike Prince to mis-judge and misapply his favor

Another portrait,

and praise, and either urge him to form some capricious system, or to adopt a worse than merely foolish one of their own devising, repudiating that plain one which actual service had introduced, which reason approves, and the real officer contends for; so that after a short interval of peace all which experience in a former war, or reflection on it well digested, had produced, is exploded, and instead of commencing the succeeding war with an army of veterans, and those incorporated amongst them, who had learned their theory and were to be initiated under their guidance in practice, drill-master, and mere parade officers with raw recruits (as to real service) open the first campaign, who after taking lessons which their country pays most dearly for, become acquainted with their duty, return home, and are again thrown aside by a new military empiric.

Another portrait.

There is a third kind of officer; a man of slower understanding, yet quick enough for his private purpose, and the ordinary events of society. He is what may be termed a man of common sense. As he finds this faculty totally useless in reconciling the parade theory to the actual practice, he concludes all his enquiries very soon; and perceiving it not to be his interest to serve if he can possibly avoid it, he gets into *certain corps* where, if he does but outlive eating, drinking, and the gratification of his senses, he is sure of being better paid and higher advanced for what he hath not done, than the most active officers and corps employed on the most essential service, and steadily and unremittingly labouring therein during the period of twice or thrice the length of time wherein he hath lain at his ease can be. These amongst persons of civil stations in life have often great considerations.—With the specious pretence of *I will do my duty*, and, if they have ever seen an enemy, an account of some personal escapes, their opinion of all military events runs like wild fire; the driving in a few out-posts becomes a victory or defeat, and the officers on actual service are usually to blame.

blame. If, unluckily for them, a real officer, surprized at their opinions, unexpectedly enters into a conversation with them, their ignorance soon develops itself, they avoid the subject, or with an air of superior knowledge thank God they don't understand these subjects; doubt if they are intelligible; that no man can have an idea of a battle he was not in; yet that no man in a battle has time to mind any thing but his right and left hand man, "such smoke and confusion—obey the orders you receive that is enough for one." This character is dwelt on the longer because the worst of all. War is an active science wherein, if the officer is merely passive, he occupies the place of a file of men, who might annoy the enemy by the use of their arms, so that he is a disadvantage to his country equal to the number of men who could form on the ground he stands on, and also to the number of men his pay would maintain. As to simply doing duty and obeying orders, that the fear of punishment will ensure; but a man is no officer for that, no more than he can be computed an honest man who keeps himself cunningly always within the letter of the law. As to a man's being wounded or having narrow escapes, it may excite pity or surprize, but without concomitant circumstances cannot be a test of military merit. The good, the bad, the brave, the coward, on a day of general engagement, stand equally exposed to the shot and the blade. Yet it cannot be justly imputed as a crime (tho' not over commendable) in the man who pursues his own interest in this manner: the fault is in the establishment which puts it in his power to do so.

It were an exaggeration beyond all measure and all truth to assert, that no Englishman hath been, is, or can be a compleat officer; but it is indubitable, that in being so he must possess much greater merit and a superior genius to him who claims that title in other services, seeing the infinite complication of business he must make his way through, that he is precluded from many of those nice and

An Englishman as capable of making a general as the men of any other country; yet we have fewer who succeed.

Reasons therefore.

masterly strokes which catch the favorable moment as it flies, or repair an accident e'er an enemy discerns it, from the certain inequality of knowledge in plain things, not to say probable ignorance of the officers in routine. If he is prudent he knows this, and will not risk the misfortune which may attend a failure in any part of his line, lest the officer whose business it is, may not know how instantly to apply the proper and effectual remedy. He is compelled to adhere to previous disposition, and to act with a slowness and caution he himself abhors, because, excepting to two or three officers, he cannot safely commit the execution of any thing out of his sight: Add to this, that he is obliged to explain the common duties of out-guards, nay often even of out-centries, who are in the face of an enemy for the first time to take lessons on the subject. It is not, however, every day that an officer capable of doing any thing under these difficulties is to be found; nor a minister with discernment to distinguish and call him forth from the multitude.

Reason cannot hesitate an instant to pronounce that system to be defective in its first principles, which permits any one to remain ignorant of the general and particular theory of a science which he professes, and attaches disadvantages instead of benefits to the practice.

Proofs of the defect
of the military consti-
tution,

That the study of war, as a science, is optional needs no proof: that it is not made the interest of officers to search for knowledge in practice let the reader judge from what follows:

DISTRI.

DISTRIBUTION of MILITARY RANK.

Part III. Chap. 1.

	Col.	Lieut. Col.	Maj.	Capt.	Lieut.	Subaltern, Captain & Major.
The 2 troops of horse guards, each	—	2	2	4	5	4
Do. of grenadiers, each	—	1	1	3	5	4
In the blues, the 1st of dragon guards, and the royal Irish, each	—	1	1	7	8	9
Other regiments of dra- goons —	—	1	1	4	5	6
First regiment of foot guards —	4	24	—	31	—	24
Coldstream and 3d ditto	3	15	—	19	—	16
Battalions of infantry of the line —	—	1	1	1	11	8
The whole of artillery	4	4	4	64	32	88
The whole of marines	3	3	6	70	126	142
The corps of engineers	1	2	4	24	14	24
Irish artillery —	1	1	1	4	4	8
Irish engineers —	—	1	1	2	2	2

Unequal distribution
of rank.

Reflections on regimental succession,

By the foregoing table the egregious inequality, through the whole service, in the chance of obtaining military rank is evident to a demonstration, and that it is most disfavorable to those on whom the stress chiefly lies, yet who from greater experience are most likely to be the fittest for command. Let then the lazy advocates for regimental succession awake from their drowsiness; let them and their long-eared disciples open their eyes; nothing but incurable asininity can prevent their seeing and acknowledging their system to have its foundation in the most execrable public policy, and its superstructure composed of the most fragrant private injustice.

By such means it hath been rendered necessary to pick out from amongst the very youngest (nay scarcely constituted) major-generals commanders for armies instead of for brigades, to command which the regiments on service are obliged to be dispoil'd of their field officers, where captains command battalions, while colonels and lieutenant-colonels swarming in the luxurious capital have no other employment deviseable for them, except that of guarding the empty palace of St. James's, by taking post in an adjacent tavern, where they are forced to treat three or four wild school-boys with a dinner and wine; and where they do or do not (as caprice directs) pay attention to a serjeant that commands forty or fifty men in the court yard.

By such means the active officer of a former war finds men whom he hath commanded on service, in one and two inferior degrees, are in a succeeding war in the same degree of proportion above him, without either merit or interest. By such means many a gentleman, after having supported the care and the fatigue of command, is obliged, on a peace, to be turned back to wait in an obscure station and scanty means, until some of those encumbrances on the revenue, who never either have or can do the public any service, be displaced by age or disease, and make a vacancy for them to appear in peace in the character they have honorably filled in war: by such means the army is strictly a tontine for the benefit of

of survivorship wherein the public receives nothing in consideration of the eventual annuity granted. Herein it is the interest of each individual to take the best care of his person possible. If here and there a giddy fellow prefers glory to gain, that is not the systems fault; he will find his mistake the first moment he hath time for reflection, and seldom dies in his error, unless indeed an impertinent shot or blade unexpectedly interrupts his meditation. Surely true policy suggests a lottery, in which *at least* all the chances are equal, where the hope of obtaining a prize would stimulate every one to adventure according to his abilities, and the public be assured of some contribution towards its service from the smallest sharer.

Regimental succession hath of late years encroached itself into a sort of demand as a matter of right. The almost indiscriminate adherence to such a rule may indeed spare those entrusted with the management of the army, the trouble of a tiresome and disinterested scrutiny into the merits of inferior officers, and serve as a general yet final answer to all applications for promotions, and may gain a momentary attention, by the plea that some general rules are necessary as a controul on office, for the preservation of order and the expedition of business: Granted; but then these rules should be founded on public interest and strict impartiality.

Military utility and œconomy dictate without hesitation a total reform of those corps, which having crept in many years ago with other foreign fashions, are still retained with great cost, to do little or no service; in so doing the relative proportions of rank, and of officers to non-commissioned officers and men, should be made exactly equal throughout the service.

A total reformation
on an equal plan should
ensue.

In the mean time a general roster to be made out, and the respective regiments and corps to take their share of promotion, as by it they would of duty:—What follows will explain the principles of that roster, as well as illustrate what hath been so diffusely insisted on above:

To distribute the rank of Captain equally.

But lest that should not happen, an equal roster of rank may be formed.

In the first regiment of foot guards, there are 24 subalterns to 31 captains; to the same number of captains in the infantry of the line there are nearly 74 subalterns. Out of 74 vacancies therefore but 24 should go in the regiment, or to reduce it nearer practice, two vacancies should be supplied from the line, and one from the regiment; and so on, *ad infinitum*.

In the Coldstream and third regiments of guards there are 16 subalterns to 19 captains; whereas in the line, supposing the regiments as above at only 10 companies, and including the captain-lieutenant as a captain, there are to the same number of captains nearly 45 subalterns: Therefore in 45 vacancies 29 should be promoted from the line, and 16 from the regiment, or every third vacancy only should go in the regiment, excepting once in the 45 times when two promotions should go together.

The alterations necessary to make the chance of rank equal throughout the service.

In the marines there are 268 subalterns to 70 captains; whereas in the line there are but 167 subalterns to that number: There must therefore be an addition of 43 captains, or 101 subalterns must be taken from the marines.

First, the rank of captain.

In the artillery there are but 120 subalterns to 64 captains; to that number in the line there are 152: 32 subalterns added or about 13 captains reduced square this corps with the infantry.

In the horse guards there are 9 subalterns to 4 captains; every nineteenth vacancy one must be taken from the line, there being 19 to 8 in each regiment of foot.

In the horse grenadiers there are 9 subalterns to 3 captains; either 1 captain should be added, and the 19th vacancy also supplied from the line, or 2 subalterns be reduced.

In the blues, first of dragoons, fifth (or royal Irish) dragoons there are 17 subalterns to 7 captains; whereas there ought not to be 16 subalterns to that number of captains.

In

In the other regiments of dragoons there are 11 subalterns to 4 captains; here one captain should be added or two subalterns reduced.

In the corps of engineers there are 38 subalterns to 24 captains; whereas the proportion is 52 subalterns: There should be added either 14 subalterns or 6 captains be reduced.

In the corps of Irish engineers there are 4 subalterns to 2 captains which is near the proportion.

In the corps of the Irish artillery there are 12 subalterns to 4 captains: 2 captains should be added or 3 subalterns reduced.

In all augmentations of dragoons where it hath been customary to add a second cornet or lieutenant, and of infantry a lieutenant, the relative proportions of each ought to be adhered to; and instead of adding 6 subalterns; 4 subalterns and 2 captains for the field officer's troops should be appointed: and in the infantry, instead of 10 additional lieutenants, 3 captains and 7 subalterns; the same rule should be observed in the formation of all new corps.

To distribute the rank of Lieutenant-Colonel equally.

In the first regiment of foot guards there are 31 captains to 24 lieutenant-colonels; the proportion in the infantry to that number is 152 captains and 24 majors, in all 176; therefore in 176 vacancies only 31 should go in the regiment, and 145 be taken from the line, or every sixth vacancy to be supplied regularly in the corps, and also every 82d.

In the Coldstream and 3d regiment of guards there are 19 captains to 15 lieutenant-colonels; in the infantry, only ten companies to each regiment, there is 1 major and 9 captains to each lieutenant-colonel, or 120 captains and 15 majors to 15 lieutenant-colonels; wherefore in 135 vacancies only 19 should go in the regiment, and 116 officers be promoted from other corps, or every seventh vacancy only to go in the regiment.

Rank of lieutenant-colonel.

In

In the marines there are 70 captains and 6 majors to 3 lieutenant-colonels; whereas there ought to be about 8 to square them with the line of infantry.

In the artillery there are 4 majors and 64 captains to 4 lieutenant-colonels; whereas 9 are requisite to place them on a footing with the line.

In the horse guards there are 2 majors and 4 captains to 2 lieutenant-colonels; to that number in the line there are 2 majors and 16 captains: wherefore out of 18 vacancies 6 only should go in the troop, or every third.

In the horse grenadiers there is 1 major and 3 captains to 1 lieutenant-colonel; out of 9 vacancies 4 only should go in the troop, or every other should be supplied from the line, excepting only after every eighth time when two should be put in together.

In the blues, the first dragoon guards, the fifth (or royal Irish) dragoons there are 7 captains and 1 major to each lieutenant-colonel; every ninth vacancy should therefore be supplied from the line.

In the other regiments of dragoons there is 1 lieutenant-colonel to 1 major and 4 captains, whereas there ought to be 8 captains; every other should therefore be supplied from the line.

The corps of engineers has 2 lieutenant-colonels and 4 majors to 24 captains, it would be a just proportion if there were 4 lieutenant-colonels, and the number of majors and captains together amounted to 32 instead of 28, either by the augmentation of 4 majors or 4 captains. The Irish engineers having a lieutenant-colonel to one major and 2 captains, requires 8 persons to be put into it from another corps, to put it on the footing with the army.

The Irish artillery having 1 lieutenant-colonel and one major to 4 captains, should have every other vacancy of lieutenant-colonel supplied from the English corps.

The rank of colonel does not exist in regimental succession in the line, nor can it with any

reason

reason or justice be given in some corps and not in others. The field officers of the guards, commanders of battalions of artillery, of marines and engineers, should not therefore have the rank of colonel in the army attached to their posts, but succeed to that rank according to their ancienty in the list of lieutenant-colonels, or by his Majesty's special favour for services rendered, in the same manner as others are obliged to do.

C H A P. II.

Of the Purchase and Sale of Commissions.

THE purchase and sale of commissions, here naturally offer for consideration. A total abolition of the practice hath been contended for, by several able and respectable officers, indeed the rise of the most improper people into command, the ruin of several excellent soldiers of fortune, who finding themselves reduced to the cruel alternative of letting the youngest officers in the regiment be advanced over their head, or of purchasing, and who having embraced the latter in despair, and finding their subsistence so curtailed by the interest of the loan they have been compelled to make, as to be inadequate for *that purpose*, with the strictest economy, a quality ill according to their characters, have sold entirely out of the service, and buried in poverty and obscurity talents which must have graced and benefitted their country! Added to these, the partial injustice, amounting to a breach of public faith, which the frequent alteration in the regulations respecting the prices of commissions caused, and at length no strict adherence to any

Buying and selling
commissions.

any rules at all; these together, complicate a reasonable prejudice against the existence of the measure in any shape: If however, it can be rendered subservient to a comfortable provision for the old, infirm, disabled officer, at the voluntary expence of the active and ambitious young man of fortune, it will appear in a very different light.

To effectuate this, the most reasonable mode, seems to be a return to the practice of the late Duke of Cumberland in his administration of the army, a departure from which, seems to have arisen merely from want of attention to it, for active reason and policy, animated it.

Money given for commissions to be recorded.

First then, every officer to declare upon his honor (or oath, if necessary for legal conviction in case of collusion) whether he purchased his commission or not; and what he gave for it; and the agent to be answerable that the certificate be transmitted to the war-office within two months after any officer is appointed to his commission, and be authorized to retain his pay till signature of the certificate.

Private bargains and auctions of commissions to be put a stop to.

Secondly, that when any officer is desirous of retiring from the service, he must present a memorial or demission, stating his reasons for so doing, where he hath served, or any claim he may have for being indulged with a permission to sell his commission: Likewise what commissions he may have purchased, and what he hath received by the sale of inferior ones, towards the sum advanced: This to pass through the Commanding Officer of the regiment, that he may at the same time, represent the service of the officers in the regiment, willing to purchase at a stated price.

The purchase not to be forced on the regiment, nor the eldest pretend a right to succeed.

The Commander in Chief hereupon, to declare what sum he thinks the petitioner hath a right to, and, *if he consents to receive it*, then, without further process, to nominate his successor, and the commission to issue, on the monies being paid. It may be proper here, to reflect how exceedingly unreasonable and unfair it is to offer such a commission for sale, indiscriminately to all those of the next rank in succession in the *same corps*. If the eldest is a man of merit,

merit, he ought to succeed without paying any money, *if not*, he ought to be put aside; yet he is hereby forced to take up a sum *at any rate*, or he may be put under the command of some boy, whose resentment he may have incurred by having with the greatest propriety and good humour treated him as such a few months before; and indeed this measure must, and in many instances already hath put an end to all subordination amongst the officers, to the detriment of the service in general, and the ruin of many wild young men individually, who required but a little discipline to retain the ebullition of their juvenile blood, and to compel them to act rightly.

Instead of permitting those only who bought to sell, and that as a matter of right, which hath been a general rule (in theory at least) for some years past, and to that absurd extent that a man paying only the difference between Lieutenant-colonel and major, demanded, and was permitted to sell all the inferior commissions in the succession; and so on with respect to other ranks, a practice which in time will render all the inferior commissions in the army saleable at the caprice of the unthinking young men who hold them, to their parents and friends sorrow, their own ruin, and the prevention of discipline over them. Instead of this, it would be advisable the plea of a right to sell because a person hath bought, be for the future entirely abolished, from the month succeeding the publication of the new regulations, reserving however to those who have bought preceding to their publication, the right of disposing of their commissions on receiving the precise sum which they have paid and no more.

First then, three several prices to be fixed for each commission, a high, a low, and a medium price. Those disabled by wounds or infirmities contracted on real service, to be entitled to the first, and be permitted to retain whatever rank they held in the service, as on a superannuated list*; the

* See the articles of discipline, Part III. Chap. 3. provision for invalids, &c. &c.

second to be allowed to old officers worn out, who have served at least two campaigns against an enemy in the field; and the lowest to worn out old officers who have not been employed at all, or only one campaign: in cases of particular merit these two last mentioned to have their names placed on the list in the rank they held, so as the reasons therefore are added to their names.

These commissions not to be sold to the successors as accident decides for the low, medium, or highest price, but according to their respective merits; on the contrary, they are always to be sold for the highest prices to persons not entitled to particular favor: and the subalterns who have bought might be permitted to sell again in five years time, at twenty per cent. loss; and at ten years for the whole sum which they laid down on their entrance into the service, always counting one year against an enemy in the field as three at home, or in time of peace, and four years in our foreign garrisons, in peace, as five in Great Britain or Ireland, and according to that rate for a shorter time.

The overplus monies, when there are any, to be paid into the pay office, and received as well as issued from thence without fee, to form a fund in the first place to make up all deficiencies in purchases, and the next to reward deserving officers and soldiers at the discretion of the Commander in Chief; he giving his reasons for so doing in the warrant for payment, and the account to be annually stated and balanced.

CHAP.

C H A P. III.

Of Discipline; or the Distribution of Rewards and Punishments.

ALL mankind seems to agree that discipline more than arms and numbers constitutes the strength of an army; but there is scarce any one point in which they differ so much as in their idea what it is, and how it is to be acquired and preserved. The majority, however, unfortunately seem to have concurred in the practice at least, that it consists solely in some insignificant trifles forced down by severe and cruel punishments. Every regiment in the English service proceeds upon a separate plan, both as to home and field discipline; and although a few may have benefited from this latitude, who have men of genius and temper at their head, others, and much the greater number, suffer considerably for want of a precise and determinate code. In general the officers are under too little controul, the soldiers too much. This subject demands the fullest and most liberal investigation, and instead of being left to the hasty decision of a dissipated youth, calls for the aid of the profound legislator, the accurate advocate, and the humane philosopher.

Discipline.

Discipline let us refine to be *those means by which all the mental and corporeal faculties of a multitude are called forth, and so united as to be directed in joint and connected efforts for the defence of a state and the offence of its enemies.* Definition of the subject.

The mode of accomplishing this must be different in different countries. The laws, and the characters of

General considerations.

the people must be considered. In some states the soldiers have their government independent of the civil magistrate; but as, it is to be hoped, that will never be the case in the British empire, let us consider the soldier of Britain in his quarters as a citizen, born to freedom, who hath, for the service of his country, agreed to submit himself to restraints he would otherwise have not known. For offences here, a milder code, and a precise one, as well as a more formal trial might with the utmost propriety be introduced; and while the officers found themselves compelled to an exact discharge of their duty, irregularities would become less frequent than under severer punishment, and recruiting be infinitely less difficult: For the common people have already found out, that tho' a French or German peasant or mechanick acquires a degree of freedom and pre-eminence by becoming a soldier; the Englishman loses his by enlisting, becomes a slave for life, and is degraded into the vilest order of men in the country. In the field, however, and is under arms military government must be the purest despotism; nothing else can give it the requisite activity.

Rewards and punishments.

Mankind is actuated by hopes and fears; and rewards and punishments strike on these ruling passions: The first should be employed to excite virtues, the latter to deter from crimes. It surely is of equal consequence, at least, to ascertain the commission of a deed beneficial to the public, as of one which is detrimental to it. Perhaps the day may come when this may make its way into civil society. In military life it is of the utmost importance, for without distinctions and honors attend on enterprize, ambition will soon dose itself into indolent routine, and the active spirit dissolve into the passive mope.

Rewards two-fold—honorary and pecuniary.

Rewards may be divided into two branches, real and imaginary: The first consists in the distribution of wealth and profitable employments; the second in titles or distinguishing marks (1). The prostitution of the latter to unworthy objects is one of the greatest weakenings any government can sustain, for it will soon render them of little or no estimation, and

and make it absolutely necessary in time to employ the former only, which no country can be rich enough to do long. It requires steadiness and attention only to first principles to procure order in society, as far as relates to rank and distinction, they will (if well constituted) always preserve the same relative proportions. But the thirst of wealth is ever encreasing; nor is it possible that any nominal sum should continue its value for any considerable time, or excite equal exertions. The establishing as a maxim of rule, that all men must be bought, the confounding principle, ambition, and mere mercenary pursuits all together, must in time ruin both governor and governed; on the contrary, the clear separation of these must elevate the dignity, by extending the influence of the rulers, and compel many a mean character to assume and practise virtues, instead of obliging the virtuous enthusiast to learn selfish discretion.

The highest honors in the state (but particularly those of nobility) seem to appertain to its defenders in arms by sea and land; yet we find the majority of the peerage for the last century to have sprung from the law, to which there are two almost indispensibly appendant, while the former have only the same chance with all other subjects, who, *without public service*, can acquire the sovereign's or his minister's favor. It were a reasonable piece of justice, as well as a wise maxim of state, to ennoble seamen and soldiers so that their numbers keep at least an equal degree with men of the robe. But it must be observed, that if the reward does not follow close on the action which hath deserved it, it will lose its effect as an example to excite others, who will otherwise be too apt to attribute the sovereign's favor to little intrigue rather than the warm and liberal sympathy of merit: All however that can be done with regard to this is to hope that a reflecting King will perceive its propriety and advantage, and altho' he may not leave it as a duty, yet transmit it as a maxim to his successors. The same must be said of the creation of titles and knights of orders already established.

Honorary rewards.

Peerage.

Foundation of a new order,

But in the foundation of a new order, its chastity may be made so vital a part that dissolution must instantly succeed to prostitution. The order might consist of

1st Commanders, { with the title of baron or
lord, ranking as Irish peers.

2d Knights Baronets,

3d Knights.

The badge of the order to be worn for life only; the titles of the two first degrees to descend to their

Distinction for the male issue.
first gallant action.

A medal of silver, with a chased or enamelled motto—THE REWARD OF MERIT—and within a wreath of laurel engraved, the name of the place and country, and the day of the month and year when the action was performed which gained it, to be worn at the button hole by the third degree, hanging by a ribband, tied in a rose, about two inches diameter.

For the second.

A medal rather larger, and of gold, containing the same motto; and within the wreath of laurel, the place and date of two separate actions, including the one which gained the silver medal on the reverse also: This to be worn about the neck, by the second degree, in a ribband three inches broad.

For the third and fourth.

A medal like the former, containing the date of three separate actions, including the two which gained the former one; to be worn at a ribband across the shoulder, as the garter and Bath, and of the same breadth, and upon the breast of the coat, a star with short rays; and within the wreath of laurel, the date of three actions. When he hath performed four, they should be inserted, and then each alternate ray of the star, to be gold, the ground of the inside of the star where the letters are, to be red for the army, and blue for the navy.

To render the order most plainly distinguishable from all others, the ribband might be of three stripes of equal breadth, the upper one for the army, red, the middle one, white, and the lower one, blue; for the navy, the upper one, blue, and lower, red; in every thing else, they should be the same, as knights and brethren of a most noble order.

The

The Commanding Officer of every corps, regiment, or detachment, to report with the most convenient speed, the names of officers who signalize themselves; but any officer to be at liberty to claim the order himself; yet no person of any rank or condition, or under any pretence whatever, to be admitted into the order, 'till a general court martial shall have verified the fact meriting it upon oath, which must be transmitted to the Commander in Chief, together with the solemn opinion of the majority, as to the veracity of the fact, and the right the claimant has to be distinguished; and this to be practised with respect to every action; every man being obliged to pass through all the degrees, and on receiving the superior, to render up the inferior degree, and at his death, the ensign of the order to be returned.

If the opinion of the court, doth not give the order to the claimant, no *disonor* to be imputed therefrom, nor is the sentence to be divulged, but to himself, when he may have the original proceeding delivered to him; but if it is favorable, the Commander in Chief to give orders for the immediate engraving in the medal, some of which, should always be prepared; and on the parade, at the next guard mounting, solemnly invest him with the order, after knighting him, which authority, *thus limited*, the Commander of every separate army, employed on actual service, out of the kingdom, should be entrusted with. The sentence of the court to be then published in the order of the day, and by the first opportunity, their whole proceeding to be transmitted to Great Britain, to be there recorded on parchment; to remain a public and perpetual testimony to posterity of the deed.

The King, through his Commander in Chief, might declare what particular actions shall gain the order, as well as in the military code declare, wherein the court may assume a latitude to award it for actions not precisely described. But it should be an indispensable rule (and indeed the engraving within the wreath of laurel will ensure) that positive merit alone, and not the negative one of years

Mode of obtaining it.

Particular actions as well as such original exertions of courage and ability as cannot be exactly pre-described to be a rule for the disposal of the order,

service, or the playing at war in peace time, can ever obtain it.

Names of those who have distinguished themselves to be published to their country at large, as well as the army wherein they serve.

The custom of inserting the names of those who have distinguished themselves in the public orders subsequent to an engagement, may be considered as an honorary reward incentive to emulation; this measure would receive additional power if the order itself was always transmitted to ministry, and inserted in the public gazettes, the trial into the fact previous to the possible attainment of the order of merit, and which would often, if not always, follow, would in a great measure prevent the complaints either real or imaginary, that this distinction arises from favor or partiality only, and therefore should be disregarded.

Those who have served against an enemy to be distinguished from those who have not.

Veterans also should be particularly distinguished, as well that commanding officers might know them at a glance along the line, as for a mark of honor. This might be done by affixing to the left sleeve, just above the cuff, as many stripes of lace or embroidery, half an inch asunder, as each officer and soldier hath served campaigns against an enemy. No one to assume this mark without the previous knowledge of the commanding officer of the regiment, if a non-commissioned officer or soldier, and if an officer, of the Commander in Chief. The permission to be given out in public orders, viz. A. B. having served campaign in another in , &c. &c. to be distinguished for the future by stripes of lace on the left sleeve of his uniform, as a testimony of his service. The officers permission to be recorded in the war-office, and the non-commissioned officers in the regimental and troop or companies book.

Ranks of the officers to be apparent on their cloathing.

As rank and the command of others does or should proceed from merit, and the capacity requisite, the propriety of marking, by his uniform the degree of each officer may be submitted in this place. It would prevent embarrassments on service, and in its effect would have no ill consequences. The distinctions should be plainly perceptible when near, but not so great as to offend the general uniform appearance of each corps. Perhaps the following

lowing might answer the purpose, but whatever is decided on should be general, and inserted in the public regulations.

(1) Colonels to have lace or embroidery bordering all round their uniforms, and two epaulettes with rich fringe and knots.

Lieutenant-colonels two epaulettes with rich fringe and knots, &c. like the colonels, but their uniform to have only laced or embroidered button-holes like the rest of the corps.

Majors, one epaulette with rich fringe; cavalry on the left—infantry on the right shoulder.

Captains of light cavalry, light infantry, or grenadiers, two epaulettes with short fringe, without knots, &c. other captains one only.

Lieutenants of light cavalry, light infantry, or grenadiers, two shoulder straps exactly like the captains, but without any fringe; other lieutenants one only.

Second lieutenants, cornets, or ensigns, one shoulder-strap only of cloth of the colour of the regimental facing, edged only with gold or silver lace.

The uniforms of the general and general staff-officers are perhaps already sufficiently distinguishable. The aid de camps alone require reformation, being too like those of certain corps in the service. The old uniform which was worn in the time of the late Duke of Cumberland with gold brandebourgs, and silver ones for the majors of brigade, is so very remarkable, that either that or some such should be resumed. The rank of the officers being always designed by the epaulettes, as before mentioned for the different corps, and also the veteran mark.

Before we quit this subject, let us seriously consider of how much importance the office of aid de camp often is, and therefore how very improper it is to permit mere boys ever to exercise it; it were invidious to be particular, but most men who have served have been frequent witnesses of the sad effects of the practice of taking a young man from his regiment, where, if he had been present, he had felt by experience and known many very necessary

sary things, which in the generals quarters, and at his table, he can only learn by rote, and which is a very insufficient foundation for his future military character. That great master in the art of war, the King of Prussia, permits none to be *aide de camps* but those whose knowledge and experience will ensure precision to the rapid movements of his army, and effect to the generals orders which they bear, who know what appearances are of consequence, and what to report to their generals, and have capacity, on sudden emergencies, to remedy momentary accidents which have arisen whilst they are on the way carrying their orders, and which shall facilitate their accomplishment. Reason and prudence join to urge the pursuit of so illustrious an example; and surely no possible disadvantage could arise from an indispensable regulation in the English service, that no one could be *aide de camp*, or extraordinary *aide de camp*, or in any staff employment, till after they shall have served one campaign at least on service in some regiment or corps, and undergone a previous examination before the board of war or persons appointed by them, and be found capable of writing and *speaking* French and Latin with ease and fluency; and also of sketching quickly the principal outlines and military objects of a country, as well as surveying it completely; and be a master of common arithmetic.

Aide de camps to be qualified for their employment.

A method of ascertaining positively that all officers shall pay some attention to the science of war.

A previous examination should also precede every officers' appointment, in every rank! The generals and colonels before the Commander in Chief and the board of war; Lieutenant-colonels and majors also at the same place; but as this might in some particular cases be difficult, the examination might be before as many general and field officers, from three to thirteen, as could conveniently be assembled for the purpose. Captains and subalterns to be examined before as many field officers as can be conveniently assembled, not exceeding five field officers and 6 captains, nor less than one field officer and two captains. And all the examinations of every particular relative to them, to be verified by the signature of the parties, and transmitted as early as possible

possible to the war-office, where they are to be kept.

The nature of these examinations might be as follows: Previous to receiving the rank of major-general, each officer to deliver in writing a plan for the attack of some parts of the coast of France or Spain, or their different territories in Europe, Asia, Africa, or America; or of some country actually at war with, or likely to be at war with, Great Britain; and also at the same time a defence of Great Britain, or some part of the British dominions: To be then further examined on these two subjects, and such others as the Commander in Chief and board might judge proper.

Major-generals.

Colonels to deliver in a plan, and be questioned as to the mode of covering a given extent of country, so as to have information of every movement of an enemy therein; how to prevent their turning his flanks before he has time to take a position further back, still between the enemy and their object; and in general whatever may relate to the conduct of an advanced corps, or of the chain of out-posts in the front and on the wings of an army. Also on the mode of secret marches by day and night, for the purpose of surprise, and of preserving a retreat and communication with the main body, from whence he is detached: Added to such other questions as might be thought proper.

Colonels.

Lieutenant-colonels and majors to deliver in a plan for the defence of some post, including the advanced sentries or videts requisite, and the patrols; also how to retreat when not ordered to defend to the utmost, yet after giving *all possible* ~~away~~ to the enemy: The cavalry to be particular in the places for posting videts or small guards, the patrols requisite, &c. &c. to preserve communications between two or more posts; likewise how and when to reinforce certain posts according to appearance from the enemies' part of the country, and retire them safely, and to skirmish without confusion or risk of the whole, yet so as to retard an enemies' advancement: together with such other questions as might be thought proper.

Lieutenant-colonels and majors.

Captains

Captains.

Captains to deliver in writing the account of some tract of country which they shall have been ordered to reconnoitre, and wherein an enemy is supposed to be encamped, with their advanced posts, both of which are to be pointed out clearly and precisely in the order: His business is then to observe from the line of out-posts of his own army, but without passing beyond, first, all the roads by which they may be approached—next, if there is a river or morass in front all the passages over it, or whether it is every where passable—next all the woods, villages, and enclosures within sight, where troops or cannon might be concealed; he should then mention how to barricade or stop the roads and fords, so as to retard the enemy, yet to be easily repaired on being ordered to advance: The next thing is, a clear description of the roads, woods, inclosures, villages, &c. &c. &c. between the out-posts and the camp—next, how he could retire with safety, and re-assemble his party at the first place where a stand could be made, so as to arrive within musquet shot or under the protection of the camp. If a drawing accompanied it so much the better. The nature of the defence and description would lead to many other proper questions at the discretion of the examiners.

Second lieutenants,
cornets, and ensigns.

Second lieutenants, cornets, and ensigns, to deliver in specimens of their drawings of redoubts, abbatis, barracades, *trous de loups*, in profile as well as plan, accompanied with calculations of the work to be done in different soils and in all its particulars, fascines, stockades, pickets, &c. and how long it would take as many men as could conveniently work on it at once to perfect it. To be examined in Latin, French, and arithmetic, and to sketch some tract of country as quick as they are able, and afterwards survey the same.

Some general good
which must attend these
measures described.

Were some such regulations established, there is every probability to expect essential good from them; their operations would render a man ashamed to appear with an epaulette of rank without the mark of a campaign, and with the mark of a campaign without

without the order for distinguished conduct. The soldier, too, would find a respect to the veteran mark; and the country-fellow glow with ardor for what the militia cannot give him.

The examinations of the superior ranks might furnish a treasure of useful plans; and of the inferior, rescue from the bottle and gaming-table, many who would have muddled their understanding and ruined their fortunes in those receptacles of idle people. They would shew them that it is the head and mind of an officer that his country requires, and inform him how to employ them. The whole army would be the happier in the end, for they would always have something to think on or something to do. All would be more considerable in their own breasts, and more respectable in those of their countrymen. The nation too would have as good service (so far as its sphere extends) from its army as from its navy. Nor could the crown think its influence diminished, nor the man of fashion his interest. The same persons might solicit and obtain preferment as without these regulations; but they will hardly ever be able to request an employment of which they have no knowledge; nor disgrace the crown and their families by ignorance and insufficiency, or cheat the public and betray their country by usurping trusts they cannot fulfil.

Some public monuments to record the names and actions of those killed or dead of wounds received in the service of their country, is worthy attention: This, united with a commemoration of national victories, would rouse and keep alive some sparks of valour and enthusiasm even in the coldest and most degenerate breast, and in the more generous blow up a flame of virtuous and glorious emulation, productive of the most advantageous exertions.

The next research is into real rewards: Altho' for perspicuity's sake they are separately arranged, yet their union with, attendance on, or at least quick succession to honorary ones is most essential. It will be in vain to hope for permanent effects from distinction and dress, while those incapable or unworthy thereof, possess the lucrative offices in the profession

Memory of those killed on service to be perpetuated.

Real Rewards,

There are few belonging to the service, but yet their influence as well as number might be encreased.

All perquisites or incomes dependant upon the person who collects, to encrease them by *spurning*, to be abolished.

session, which enable them to enjoy greater comforts in civil life, to provide for their families, or appear with those marks of pre-eminence which the poverty of the former denies them. A careful and equitable regulation of the few emoluments which the army affords would both strengthen the hands of the governors, and rouse the governed into vigor and activity. The pay of any rank (so hath the value of money fallen) is barely sufficient for its support, in some it is absolutely too small for bare subsistence, all which it is hoped will be in due time remedied. A method however hath been thought of for the subsistence of such generals who are not in actual employment. Sinecure governments, and the nominal command of regiments are given to them: The former are so very unequal, so capriciously bestowed, and are so useless an expence that they demand a total reform; the latter afford also the most unfair distribution of profit, and on the most exceptionable grounds. They consist in some corps in the sale of their chaplainships, now and then of a cornetcy or ensigncy, and quarter-masterships of cavalry, and in the horse guards of the very private mens' station. In all a certain sum is deducted from each soldier under pretence of furnishing him with cloathing exactly uniform, and only a part of this is employed to that purpose; the accoutrements of the cavalry are also very inferior in quality to what the sum allotted would purchase. The residue of these sums is the colonel's perquisite, who instead of being an inspector of controul over his regiment, is thus tempted to connive at and court his inferiors, that they may wink at or aid his profits. There cannot be a more vicious institution, and tho' sanctified by time and connivance, tho' corrected and overlooked by some regulations, yet it cannot be divested of its real character of an *oppressive fraud on the public at large, or on the soldier in particular*; one or other of which is entitled to a faithful application of the money paid for a specific purpose. All perquisites ought to be annihilated, and their revival guarded against by the heaviest hand of prohibition, since they

they create what it is the business of all wise regulations to stifle, a little selfish conduct and narrowness of mind, and are destructive of good order and public service; while the mean and sordid benefit, and the generous and honest suffer.

The amount of these incomes depend on various casualties, as of the numbers of men and horses, and other circumstances immaterial in this place to minute: But in general, the horse guards may produce about 1800l. a year each troop; the first regiment of dragoons nearly as much; the blues 2500l. the Irish horse about 1200l. the horse grenadiers 1500l. the English dragoons about 1400l. the Irish 1000l. the regiments of foot guards about equal to the blues, excepting the first which exceeds the others; the regiments of foot each about 800l. so that when his Majesty gives any officer the command of a regiment, he gives him in effect so much money annually as a reward for his past services, and as a retainer when called on to act as a general, for it very seldom indeed happens that he continues with his regiment, nor is it necessary or useful that he should. *In the light then of a public reward should all emoluments be esteemed and justly distributed.* There is not the shadow of a reason why because men have ridden on horseback all their lives, they should at the end of an equal term receive half as much again as those who have served on foot; on the contrary, it is impossible for so foolish unequitable a system to be reconcileable to common sense. Could artifice have devised and indolent credulity have for a while adopted such an error, it cannot surely endure. Such a general system tends incontrovertibly to confine the officers of cavalry from serving and becoming good for any thing at all, but the frivolous inanities of reviews and stable work, or rather *fanning of cattle*; and while it confers the title, provides, that the general shall be utterly incapable of his office, for the very name imports an ability to conduct troops of *all denominations*, and he understands the nature of but *one*. Exclusive of the iniquity of the thing, it contravenes the *desideratum* of

A general view of the present emoluments belonging to each rank, without double commissions and sinecures.

of military science, in which all masters agree, *that is*, a mutual and conjoint union of cavalry, infantry, and cannon, which can never be effected unless each is thoroughly acquainted with the defect as well as strength of the *others*, and the leaders of the *whole*; so that instead of fettering men to one branch, reason rather demands that no one should be a GENERAL that has not served either in, or as volunteer with every species of arms.

A fixed salary to be given in lieu.

The immediate remedy to this would be to emit no more off-reckonings to colonels, but each being charged to provide his regiment as cheap a possible, according to a sealed pattern; the nett amount to be paid at fight to his order, countersigned by the Commander in Chief, the particulars thereof to be stated and brought to a public account. And hereafter every general to receive, *in lieu of all perquisites, and sinecure governments or employments*, according to his rank as follows, quarterly or monthly, and clear of all deductions:

Field Marshals each	—	£. 3000 per annum,
Generals of horse and foot each	—	2500 ditto
Lieutenant-generals	—	2000 ditto
Major-generals	—	1500 ditto

When employed each to receive over and above, the same pay as at present during the time of his service only. The governors of Gibraltar and Minorca, and every other British garrison should be allowed no perquisites from wine licences or any other job whatever, so as to constitute them the strict comptrolers of the public revenue, and the impartial guardians of the troops under their care.

Those whose actions have merited peculiar reward, to receive additional salaries with their personal distinctions.

The knights of the order of merit of the highest degree to be entitled to 400l. a year each, over or above all their other pay or half pay, to be regularly issued to them, without deduction, with their other pay; of the second order 200l. a year; of the third 50l. a year.

Provision for invalids.

Permission to sell—the invalid commissions—the half pay in certain cases—the Chelsea list, may all of

of them be considered as so many rewards for past services. But to give them their full effect as an example to others to persevere in the service, and to cherish them from entertaining the smallest apprehension of being abandoned under their infirmities to poverty and obscurity, some certain and publickly known regulations are requisite.

The invalids for the future to do no duty whatever but in case of a foreign invasion, in which case they should be disposed of as will be hereafter specified (1). All the officers and men under this denomination to reside wherever within the three kingdoms they think proper, but to be obliged to register their names in the county where they reside, and on quitting it to give notice, that it may be expunged from the one they quit, e'er it is inserted in the one into which they go, and in the roll to be mentioned, *removed from such a county*: When they reside abroad it must be with permission.

Those officers whom wounds or disability from infirmities contracted on real service, entitle to sell their commissions, to have the option either to do so, or receive an annuity equal to their pay (2), together with a sum of money equal to two years produce of their annuity. Such officers whom age renders unfit for active service, and who have served two campaigns at least against an enemy in the field, to have the option of selling at the second rate, or of retaining an annuity equal to a third of their pay, and ready money equal to a year and a half. Those who have only served one campaign, or have never been employed on actual service, to have the option of selling out for the lowest rate, or of receiving an annuity equal to half their pay, and a sum equal to one years income. (3) A particular but plain uniform to be assigned to all these officers, with the distinction of rank, and the number of campaigns they have served; and also in the form of making it up, whether they belonged to cavalry, artillery, or infantry, and to command when called on (according to the ancient of their commissions) excepting those who never have served a campaign, who should rank exactly with the

To be permitted to pass their latter days at liberty, nor ever to be called on but to defend their threshold.

Officers.

To be provided for in proportion to their merits, and to be distinguished by an uniform.

the militia, and as youngest of their rank amongst regulars.

Non - commissioned
officers and private men.

The corporals and soldiers who have been actually disabled in the service from providing for themselves at all, to have the option of being maintained in the hospital, or of residing elsewhere on the pay of one shilling a day, and a suit of cloaths every three years, with equal to half a years pay in money. (4) Quarter-masters of dragoons, and serjeants under this predicament, to have eighteen-pence a day, and half a years pay in ready money, with cloathing as before mentioned.

Each to be provided
according to his merit.

But there are many who having lost a limb, or being wounded or too old for active service, yet are able to contribute to their own maintenance; provided those deemed too old shall have served twenty-four years, (one year on actual service against an enemy to be counted as three at home :) Quarter-masters of cavalry, corporals of horse, and serjeants under this description, to receive one shilling a day, and private men nine-pence, with half a years income in ready money, and cloathing every three years.

And all to be cloathed,

Those who are discharged in consequence of a certain number of years service, without any positive or immediate disability, to receive the out pension (if recommended) *as at present*, and a suit of cloaths every three years, on condition of appearing annually at the county town near which they reside, before some officer appointed to review them, being paid at the rate of one shilling a day for their journey thither and home again. This assembly to be on the second Sunday after the meeting of the militia, and they should be entitled to quarters. Their certificates should here be made out and countersigned by the reviewing officer, who should transmit a return of them, their age, and time of service according to a printed form.

Grant of waste land
might be made subser-
vient to encouraging sol-
diers to serve.

The grant of waste lands (not only in America but in Great Britain and Ireland) might be advantageously employed as rewards for service; but it would be requisite for that purpose that the quantities

tities should be ascertained to each in proportion to his merit, and made known. This hath hitherto been very unequally done, when officers and soldiers have been dismissed at the end of a war, lands have been granted to some of them, but by no means in such a manner as to prove an exemplary excitement in future, because they have not been the consequence of any specific service done, by attaining the like to which others may be sure of the same benefits.

Surely the emoluments above mentioned to generals, and to other officers and soldiers, cannot justly be esteemed more than an equivalent for a youth spent in toil and danger, and for services actually rendered to the public; especially when it is remembered that the national income suffers as great a drain at present, from sinecures accumulated on persons from whom the country never has, nor can reap any benefit, to the discouragement of military zeal, and patriotic virtue. The luxurious lawyer, and the lazy priest gormandize in safety, and at their ease: they can besides accumulate wealth for their posterity. The physician, *the very quack*, has a better income than the general, who cannot plead service in parliament more than in the field, for what is 800*l.* a year for the last ten or twenty years of an officer's life? and till that time scarce a bare subsistence. The contractor, the commissary, the very pay-office clerk, as soon as the war is over, looks down with supercilious haughtiness on the poverty of him who conducted that army in which they were an inglorious atom. Surely then, on reflection, all reasonable men will concur, that a provision adequate to the sacrifice, which a man of ability makes in turning aside from other professions to persevere in this, is due, and should be ensured to him; and that, exclusive of mere present support, some means of perpetuating in his family the rank in civil life, which he hath held as an officer, may be left open to him, so that at least he may have something like a possibility of leaving a little behind him at his death. His brother warrior, the seaman, has the resource of prizes, which, more

The advantages arising from military service ought to be made in some degree proportionate to those accruing from other professions.

or less, while employed he is assured of;—this is rarely the soldiers' lot.

Prize money.

Since, however, prize-money does sometimes accrue, it seems proper that in the public regulations for the army, every particular relative to what is to be divided amongst the troops and the proportions be ascertained; and this as well in what concerns spoil of an enemy at open war, or seizures from smugglers; and herein the delay and chicanery of agency should be provided against, as well as a certain way of remitting to the non-commissioned officers and private men their shares whether claimed or not.

To be employed for the soldiers real benefit.

The disposal of prize-money, and what is paid to the troops for their labour on public works should be also regulated. If it is delivered into their own hands it is generally spent in riot and drunkenness, and brings them to shame and punishment; thus proving a hurt instead of advantage to them: It has therefore been of late the practice to cajole them, (but in a manner in effect compulsive) to lay it out in caps, jackets, breeches, or some foolish article of show, (for the honor of the regiment as it is called) so that even thus it is quite thrown away upon them. A strict and general prohibition should be revived, as in the late Duke of Cumberland's time, that no officer presume to alter, add to, or to permit any under his command to use any fancy uniform or accoutrements, but adhere to what are directed by the regulations. When this absurd emulation of each regiments out-dressing others is quite stifled, then the soldier's money might either be put out to interest and accumulate till his discharge, or be employed to buy an annuity of his parish, or of the public, according to the scheme of the late Mr. Dowdswell, for easing the parishes and enabling them to receive a present sum to grant an eventual annuity, commencing at a certain distant period: This would be a real reward to the soldier, and enable him to pass his latter days in comfort; it would raise his estimation and condition amongst his fellow subjects, and encourage recruiting.

C H A P. IV,

Of Discipline; or Crimes and Punishments.

IT now remains only to treat of the last resort; but which is, alas! too much the principal agent in military discipline. The base-minded may prove insensible to distinction and honor; the stupid and slothful, remain unmoved by the hope of future benefit: whether or no to court the reward is optional in the breast of each individual, not so, to feel the avenging arm of punishment. Too long has remorseless caprice been its director! too long has mankind idolized its infernal omnipotence; too oft have the best and wisest of men been led in bonds by guards that have loved, and executioners that have revered them, to fall a sacrifice to a weak and despicable tyrant. Unaccountable servility! magical infatuation! but tyranny has its bounds; exasperated beyond a certain degree, animal patience can refrain no longer; the trodden worm will turn, and rage and anguish may envenom his slime: the expiring slave will pluck the mordant shaft from his bursting heart, and by plunging it into his oppressor's bosom vindicate the violated cause of reason, and warn other despots to reflect, that death levels all distinction, and that the man who gives up his own life is the arbiter of another's: Perhaps we may, indeed, place the tame submission of mankind to fear or mutual distrust, but to what attribute their adoption of the tyrants' phrenzy into a system, the invention of tortures, and of rules for the murder of—*themselves* (s) ? But thanks to philosophic reflection—

The ultimate resource of order hath been so wantonly prostituted as to have lost great part of its effect,

thanks to Beccaria—the prospect clears before us : Europe looks back with horror on the legal murders which stain her history ; despotism shuddering at the scene, perceives the advantage, if not necessity, of changing her assassin form, and wear at least the mask of lenity. There may be a hope indulged that fashion if not reflection will reach our bloody code, in which death haunts every page, and levels all degrees of crimes, and where merciless whippings, without degree or proportion, torture the wretched soldier with a frequency unknown in any other nation whatever.

But while we contend for a milder, be every idea banished of a relaxed discipline ; this would prove us the falsest of advocates for humanity, to abandon the whole state to the mercy of its enemies, rather than save it by the sacrifice of a few offending individuals. All we insist is, that the degrees of punishments may as nearly as possible be proportioned to the degrees of crimes ; that the utmost terrors of vindictive justice be reserved for extraordinary occasions, and not familiarized to mankind by diurnal practice. (2) Surprise and novelty more or less influence every mind ; wherefore if the general tenor of chastisement is mild, or its operations slow, either a severe or a sudden act of justice rouses men's attention, *then* the evil of the recent crime, and terror for the consequence, fill all the imagination, even an unexpected change in the time and manner of inflicting punishment hath been found to have diffused dread and horror : But when day after day death or tortures ensue, according to a mode and form, hackneyed by frequency, and long after the memory of the deed for which they are inflicted is worn out ; when no publication of the reason of the sacrifice, or what is worse, no relation between one and the other awakens the surrounding multitude ; they view the scene at the beginning with indifference, or if affected at all, it is with compassion for the unhappy victims, and dissatisfaction at their merciless governors, till the fortitude or carelessness with which almost all endure their punishment, reduces

duces the opinion of its magnitude, and instead of exciting terror dispels those they before possessed, and fortifies them against *these* ultimate powers of government.

Impressed with a conviction of these truths let legislation proceed, and so dispose the judicial and executive part, that their exertions may be as prompt as freedom from passion and prejudice can admit, and that activity be inseparably interwoven in its decrees; for long experience and candid enquiry confirm, that the prevention of crimes depends not on the severity of the law against them, but on the certainty of their detection and punishment, yet on certain occasions the considerate voice of pardon should arrest the hand of justice; but it should result from solid and careful reflection, and not alone from tenderness of mind, lest mercy ill bestowed confound right and wrong, and ensnare the innocent to venture where impunity guides the way. In most instances of mere military import, an arbitrary latitude must be left, both in the courts of judicature, and in the commanders, to inflict by their own commands certain punishments, *pro hac vice*, only; for obedience in war must be obtained at all events: But wherever these powers are exercised, the grounds for their exertion should be invariably specified, in a report thereof made to the Commander in Chief, and recorded in the office. How far this general rule may be dispensed with, in regimental discipline, is noticed hereafter.

CHAP.

C H A P. V.

Of Discipline, or Crimes and Punishments,

The different Degrees of Crimes.

THE ablest men who have treated of public delinquency have usually divided their subject into such acts as are *male in se*, and such as are *male prohibita*, but in the complicated interests of advanced society, several of the latter assume the resemblance, if they are not actually converted into the former so much, that the distinction is without a difference. However we shall endeavour to assimilate our discussion to their model, as far as the peculiar nature of the society of which we treat will admit of.

Let us begin then with the arrangement of crimes according to their degrees of military import, and that we may have the clearer view of the subject, separate those of a general nature, or which appertain to the jurisdiction of a Commander in Chief and general court-martial, and whose prevention being most essential, are likely to engage the national attention.

I. Every species of treachery is undoubtedly a crime of the first magnitude, under which may be comprized,

Crimes of the first
magnitude.

Treacherously surrendering, or treacherously permitting an enemy to possess himself of any garrison, post, body of troops, or any trust committed to charge.

Deserting to an enemy with intelligence, or any treacherous communication with one,

Treach-

Treachery fomenting any mutiny to compel a commander to surrender or retire from his trust.

These crimes indubitably merit the severest punishment the system of legislation in any state authorizes; but to constitute them, the treachery ought to be notorious, and the court which tries it perfectly satisfied thereof.

II. The next, and which are of the highest order of *male prohibita* in an army, are mutiny and cowardize, constituted by

Violence used against superior officers, while under arms, or any guard or detachment, or even on any occasion merely relative to military duty, where any thing like a forcible attempt to compel compliance with demands is evident.

Crimes of rather an inferior degree, or of the second magnitude.

Wilful disobedience, or wilful delay in approaching or attacking an enemy; but that none may innocently incur this condemnation, it should be finally decided, that where the order is positive to do the thing, whatever contradictions or mistakes may happen about the mode prescribed, nothing but instantaneous obedience to the substance shall be admitted in justification.

Running away from an enemy, throwing away, or abandoning cannon, arms, ammunition, standards or colours, &c. &c. &c. or surrendering prisoner in a cowardly manner, here the court must be satisfied that the fact arose from mere fear of personal harm, and not from military skill to save a greater part at the expence of a lesser, nor from evident necessity, when resistance to the last was not positively commanded, and when being discretionary it seemed useless to him who yielded.

III. The third degree are breaches of trust, amongst which,

Frauds, extortions under pretence of perquisites, and embezzlements; also all false musters, false returns, false evidence, and false reports of persons and things, where the proof is positive that the person did it wilfully.

A third degree of crimes.

Officers suffering their charge to be surprized through notorious ignorance, negligence, or laziness,

ness, or being found drunk on any guard, party, or other duty on actual service.

A repeated wilful disobedience, neglect, or delay of orders not contrary to law, or persisting in grumbling and exciting discontent amongst inferior officers and soldiers.

An attempt or threat to force any guard or centry duly posted; but herein it must be understood, that the guard or centry inform them by whose orders, and for what they are on duty, if on demand that was positively refused by the guard or centry, it should then excuse the penalty, but incur a public reprimand; yet a mere neglect in the guard or centry to declare their orders unasked, where their business is of common and public notoriety, should not be sufficient for an acquittal.

Regimental crimes by
commissioned officers.

The crimes which are properly of regimental jurisdiction, are in officers absenting themselves without leave, or not returning at the expiration of their term, so that any general return to the Commander in Chief, or muster passes while they are absent.

Using improper and disrespectful expressions or gestures under arms, or on any duty, or wilful disobedience of orders.

Delay, inattention, or negligence in obeying orders under arms; a careless dilatory performance of any duty ordered.

Out-staying a leave of absence, so that any tour of duty has been avoided thereby.

Being absent from any guard five minutes after it shall have turned out, or undressing to go to bed on guard, or being found in any degree drunk so as to be unfit for any part of the duty.

Lying out of camp or quarters, &c. being absent at any time above six hours, or being seen ten miles distant without leave.

Drunkennes or riotous behaviour in garrison, camp, or quarters, tending to affront any person civil or military.

Malingering, or any subterfuge to avoid duty.

Gaming.

The

The crimes of regimental jurisdiction in non-commissioned officers or soldiers, may be arranged as follows :

Regimental crimes by
non-commissioned or
privates

Disabling themselves purposely to avoid serving.

Deserting the regiment where the intention of not returning is manifest.

Straggling from the regiment, corps, or detachment to go in search of plunder, or being found plundering.

Selling or pawning any of their arms, accoutrements, ammunition, cloaths, or such necessaries as are ordered by the Commander in Chief, so as that the proper number and quantity do not remain.

Wilful disobedience, wilful neglect, wilful delay in obeying any orders not positively contrary to law, or using any indecent gestures or expressions towards any superior.

Quitting any guard or post without proper authority.

Being drunk on any duty, and centries asleep on their posts.

Malingering to avoid duty.

Neglect of arms and ammunition, horse or accoutrements.

Neglect of cloathing.

Coming to a parade in a slovenly manner or improperly armed and accoutred, if the negligence is manifest, and not a mere accidental mistake, or not arriving before the troops have begun to march off.

Being too late for any parade, whether roll-calling or forming under arms, if for ever so short a time, without a very sufficient reason, or being a mile from quarters or camp without leave.

Being drunk at any time, or not retiring to their tents, barracks or quarters at tattoo, where no other crime or intention to commit one appears.

C H A P. VI.

Of Discipline, or Crimes and Punishments, and deterring Offenders.

Mode of proceeding
to ensure the bringing
offenders to justice.

THE importance in the prevention of crimes of a certainty of reprehension has been need before; to effect this it is necessary to provide an indefatigable routine of supervision, which shall compel a perpetual activity.

The Commander in Chief, responsible for his neglect to his king and country, must make the generals commanding armies, or separate corps, or lines or wings in the same army, responsible for conniving at, or neglecting to bring any of the major generals to a trial, who permit commanding officers of regiments, or established corps of light infantry, or grenadiers, &c. to let any of the crimes in the code pass without notice.

The field officers of regiments and corps must render the commanders of troops and companies responsible for all crimes they neglect or connive at, and these the inspecting subalterns or non-commissioned officers.

The breaking this chain is of most material consequence, it destroys subordination, consequently weakens all authority. If the general without the greatest emergency meddles so as personally to try to execute the majors, captains, or subalterns' department, to direct the soldier, or interfere in the little

little minutiae of the service, otherwise than through the proper channel, he degrades his own character, and renders the office he bears, as well as all intermediates between that and the person he addresses, useless, and for so doing merits his sovereign or superiors' severest censure and reprimand.

Every officer having due authority for summoning a court-martial, must order one to assemble within twenty-four hours, if possible, to enquire into the commission of any crime in the code liable thereto, and cause the whole proceedings to be entered in the judge-advocate's office, or regimental book, which at every review is to be deliver'd to the reviewing general for his inspection; and on a *separate paper* an extract therefrom, containing the crimes alleged, and the sentences passed on officers, non-commissioned officers, and private men, and if pardoned or mitigated, for what reason; *which paper* should be recorded, and kept alphabetically and methodically in the judge-advocate's office, so as to be resorted to with certainty and facility by the Commander in Chief's directions. *Herein* also all sentences of general courts-martial held on any belonging to the regiment, should be entered, with the reasons for pardon as before; and references to the proceedings at large deposited in the office.

On the discovery of offenders in crimes of the first and second degree, all persons should have authority to apprehend them as felons, and be liable to the same punishment as those who aid such to escape, in case they anywise connive at their evasion. As soon as taken they should be searched, and have a sufficient guard and centries placed over them; but each according to his station in life, should be allowed all conveniencies compatible with a security that their person shall be forth-coming to answer the justice of their country; their friends should have free egress and ingress, and all assistance be given them to bring in their witnesses, or collect their evidence, and of this the court which tries them to make strict enquiry into.

In all other general crimes, officers to be put in arrest, which if they break it, shall be considered as a confession,

confession, and proceedings follow accordingly; but if their trial cannot be had within a week, permission to be given, on their application, to walk out for exercise, attended by an officer and two centries. Non-commissioned officers and private men to be confined, but *apart from those in prison, as a punishment*; and it is to be a general and invariable rule, that previous to conviction all are to enjoy every ease and convenience consistent with their being prisoners.

C H A P. VII.

Of Discipline; in the Composition of the Courts, and Solemnity of Judicature.

TO be strict so as do public good, it is indispensibly necessary that real justice, equity, and calm reflection should preside over every act of discipline. Power influenced by artifice, caprice, and passion is more detrimental to order than even indolence, seeing it renders authority despicable and detested, and squanders away irredeemably its only supports; while the latter may be spurred into activity.

Court martial to be formed by a general unalterable roster.

To secure an impartial as well as complete administration of justice, the (1) mode of forming courts martial should be positively fixed, and every solemnity possible attend their proceedings. The first step towards which is the nomination of the members according to an exact and perpetual roster, to be kept in the judge advocate general's office, and in that of every deputy judge-advocate,

to

to whom should be sent the date of the last general court martial each officer sat on, belonging to the regiments which from time to time came under their department: The return of the officers who sat on court martials abroad, will of course come with the original proceedings into the judge-advocate general's office, and from thence he must keep his roster compleat.

It seems also proper that none should be on any general court martial who is above 70, nor under 21 years of age (2); that peremptory challenges be admitted in the highest accusation, which is analogous to treason, as far as thirty-five, and in the second which is analogous to felony, as far as twenty, provided in doing so there are fifteen persons capable of sitting on the court martial left, and that there be at least one field officer thereon: all challenges for cause to be allowed besides, if reasonable.

As the taking such a number of officers from their duty to appear in court, that the person to be tried might *there* challenge them, would be detrimental to the service, another mode might be substituted, viz.

On an order for a court martial, the adjutant-general, or officer charged to make out the detail, to search the roster, and conjointly with the judge-advocate, extract a list of all officers present and fit for duty, each rank being separate, and arranged not according to seniority but to their turns for this duty. In case the person to be tried is of superior rank to this officer, he with the judge-advocate to wait on him with the list and the roster, but if he is of inferior rank, then they are to send for him to attend them.

Generals, if they do not request the contrary, to have a list of all the generals first read to them.

Colonels to begin with those of their own rank, the same with all other officers; so that as near as possible those of the same rank may form the court, unless where the person to be tried, by his challenges, puts on others.

None to sit on a general court martial who is above seventy or under twenty-one.

Prisoner to be allowed his challenges as by the laws of England.

Prisoners to have a list of those first for duty.

Mode of making out the list.

No

No colonel or officer of inferior rank ever to have a general officer on his court-martial; and warrant-officers, non-commissioned and private, to have the list which is offered for their challenge composed of 14 field-officers, 18 captains, and 18 subalterns. The court to consist always of 15, 13 of whom are to give judgment, so that in case of accidents or sickness in any member, the proceedings may notwithstanding go on; previous to taking the opinions

The court to be of counsel to the prisoner, as well as any two military friends the prisoner chuses to assist him in his defence.

of the members to be reduced to thirteen by lot. The court is of course to see that no unfair advantage is taken of the person to be tried, but that he may have the benefit of any thing that can contribute to his defence, and he is to have two persons of his own choice, but who must be commissioned officers, warrant or non-commissioned officers, or private men, (3) who are to have full liberty to assist him, and to question his witnesses or those against him, but in a decent manner, and who (when named) shall be compelled to attend, and do their duty in the best manner they are capable of, wherefore they shall be under the protection of the court for any errors they commit.

To be allowed time and assistance to fix on his challenges.

A reasonable time is to be allowed the prisoner, in company with his friends alone, to settle his peremptory challenges, which being done, the judge advocate to read over to him distinctly the names of his court-martial; inform him of the time intended for his trial; and in case of his objecting, note it down and ask when he will be ready. He is also at the same time to acquaint him with, and leave him a list of the witnesses against him, and also take down the names of any that he requires for his defence. This being reported to the Commander in Chief, the names of the members, of the two nominees, and of all the witnesses, without specifying on which side they are called, to be given out in orders, together with a time and place for assembling; the name of the person and the fact to be tried; and that whoever (though not named) can give any material information, must attend at the same time; and also a guard, with a standard or colours.

A list of the witnesses against him, and another to compel the attendance of any he thinks may be for him.

Public notice to be given of the trial, and a guard with colours ordered to attend the court.

The place of assembly ought always to be in the very largest room or tent which can be procured.

At

At the upper end of which the president is to be seated with the officer carrying the colours standing behind him; the members of the court sitting in a semicircle on each side, within which a small table for the clerks and judge-advocate, employed to write down the proceedings; another table for the person to be tried and his friends, with pen, ink, paper, &c. to be provided, and chairs or stools for them to sit on; but when they speak to the court they must rise up.

The proceedings to open by the entrance of the prisoner into court; the names of the persons which compose it to be distinctly called over, each of whom is then to stand up. The prisoner next to be asked if he has any lawful or reasonable objections against any of the members, if he has, he is then to declare it; in which case the court is to be cleared, and judge how far the objection merits attention; but if he has none, or what he urges is not judged sufficient, then to proceed. The president first to declare, "We have examined the judge-advocate's roster, and the prisoner's peremptory challenges, and find that this court is impartially chosen by the roster, which is exactly kept," and any particular circumstances of officers employed on duties from which they cannot be relieved safely, &c. &c. to be mentioned as proved satisfactory to the court. The president then taking a bible in his right hand, and the colours in his left, to kneel down on his right knee, and say aloud, "I swear on the holy word of God, on my credit as an honest man, and on my honor as a soldier, to do impartial justice in the cause I am about to try;" all the members to kneel during this ceremony; the president then to return the colours, and the officer who carries them is to hold them over the head of the seven officers on the right of the president, who each touching the book and kneeling, the president to repeat, "Ye swear, &c. &c." each then to kiss the book, and the same to be done by the seven officers on the left of the president; after which all are to rise, take their seats, and the colours to return behind the president again.

All officers and soldiers examined as witnesses to be sworn by the president on their knees and under the colours, the court standing up while it is doing; other people to be sworn in the usual way by the judge-advocate.

The want of solemnity, nay too often of decency, in regimental court martials is quite shocking. The whole corps should be assembled with or without arms, as most convenient; and in its presence the court should be held. The members each vowing under their standards or colours, in the presence of the prisoner, to do impartial justice; and afterwards drawing their swords and kissing the hilt, after raising it above their head. The regimental court martials should also have authority to swear all witnesses if they see occasion. None to sit on such court martial till he shall have actually served as an officer in and with some regiment for a full year, and during that time, he is to attend all courts martial which are held where he is, and to be employed there in writing down the proceedings under the direction of the court.

C H A P. VIII.

Of Discipline; and the Solemnities in giving Sentence.

THE present method of the president's privately waiting on the Commander in Chief, with the proceedings of the court, and the secrecy observed with respect to its determination hath no material advantage whatsoever incident to its practice; it might be, tho' it actually, perhaps, is not, pro-

ductive of undue influence, or collusion, and by rendering the court liable to such a possible imputation detract some reverence from its decision. The nearer we approach to our admired system of judicature, the nearer we shall arrive at perfection. To this intent the court martial should immediately on the close of the evidence proceed to deliberation, and having concluded their opinion by the judgment of the majority, and in capital cases that majority to consist of nine at least, the prisoner to be sent for immediately into court, and acquainted with the sentence of the court; "that he is fully and honorably acquitted of all the crimes laid to his charge before that court;" the president and members all standing at this time. The president is then to deliver to him, if an officer, his sword, if a private man a firelock; the officer with the colours accompanying him and waving them three times over his head, is as to touch the person acquitted, while the president says aloud—"Receive this sword (or firelock) and use it as by God's grace we hope all to do, to our own honor, and the honor and advantage of Great Britain;" then the drums, fifes, or trumpets, &c. of the guard attending the court to strike up a point of war, which they are to repeat thrice with an interval of half a minute, which is in camp or garrison to be repeated by every corps or guard, and the prisoner to be set free and the court broke up,

If the court is of opinion that the prisoner is guilty of the whole charge, the president to signify it to him, and he is to be asked if he has any thing to urge why sentence of death should not pass against him; if he hath any thing material the court to deliberate thereon, the place being first cleared of all persons not belonging thereto, or if he has any good plea for desiring further time to consider of his objections; and he should be permitted at all events to retire for half an hour with his friends, at the end of which being brought into court, the sentence should be read by the judge-advocate, the prisoner being made to kneel, and

the court seated, and their heads covered; the attending guard thereupon immediately to be ordered to shoulder their firelocks, and the drums or trumpets to sound three separate times, at the distance of half a minute three more, and again a third time, which should be repeated by all the separate corps and guards.

When the prisoner is found guilty of an inferior degree of criminality than what is the utmost amount of the charge against him, he is to be acquainted therewith, and provided the punishment thereof is positively declared in the code, a sentence conformable thereto to issue, but where it is either doubtful or arbitrary in the court, the president to say, "This court will seek further information; and deliberate on the sentence; have you any thing to offer to induce it to soften your punishment?" The same time as before, or longer on good reason, to be allowed for this purpose, and then the court to be cleared, and certain general questions being agreed on and reduced to writing, to be laid before the army solicitor, who without fee is to answer the same, and the court adjourning from time to time till satisfied; as soon as it is, to send for the prisoner and pronounce sentence.

Regimental courts martial to acquaint the commanding officer with their sentence as soon as they have formed their opinion; in case he disapproves, he may inform the court of his reasons, and desire them to re-consider the case. When they inform him they have come to a final determination, the words of the sentence to be written and signed by the president, and being first shewn to the commanding officer, the prisoner to be called and asked what he has to urge why sentence of death should not pass upon him; if his reasons merit deliberation, the court may deliberate again at their discretion, and form a new sentence; which after the same ceremony as before to be pronounced distinctly by the president, and being signed, delivered to the commanding officer, who is thereupon to call the commanding officer of the troop or company the delinquent belongs to, and after enquiring

quiring his character from him, and listening to what he has to offer on the occasion, order the sentence to be executed immediately, or giving his reasons aloud, pardon him; and the whole to be inserted in the regimental book.

If acquitted the prisoner to kneel and be touched by the standard or colours, or the president's sword, be instantly released, and the court to salute him by raising their hands to their hats or caps.

After conviction of all crimes of the first or second degree of magnitude, or on which degradation ensues, the convict to be immediately tied, or handcuffed, and conveyed to some public prison belonging to the army, but in a room or cell apart from other prisoners, and with one or more guards perpetually watching him, till the execution of the sentence.

In those of an inferior degree, officers may return to their own apartments, and non-commissioned officers and soldiers, to the place from whence they came to their trial, a sentry being placed within the house, but not in the room where they are.

But, without very substantial reasons to the contrary, all sentences to be executed as soon as possible after conviction, while the memory of the fact is recent.

CHAP. 5.

of discipline, and the most important part of the discipline, is the power of punishment. The power of punishment is the power of the state to inflict pain or suffering on the offender, as a penalty for his crime. The power of punishment is the power of the state to inflict pain or suffering on the offender, as a penalty for his crime.

CHAP. IX.

Of Discipline, of the Power of Punishment, and of the Solemnity of Public Executions.

BEFORE we march to the procession of terror, before we draw the unheathable sword of justice, prudence and reason demands some knowledge of the extent of our authority, much of our means and power.

(1) The simple deprivation of life, is the highest punishment England permits; nor is her constant rejection of every species of torture therein, a greater proof of her humanity, than her wisdom. The sufferings of the wretched criminal, cannot be communicated by sympathy to the witnesses of his misery, for could they, none of them would ever incur the like. Death has sealed his lips, nor can he relate the sad story. Long experience shews us, that murders are as frequent in those countries where the murderer expires in torments on a wheel, as where a milder sentence attends that atrocious crime. Cowardly priests, disappointed women, and those whose mind resembles such, cry aloud for vengeance, blood and vengeance on the criminal; intoxicated with gall, and foaming with self-exciting rage, their phrensy raises a phantom to their view; they fall down before a fury, trembling and aghast for revenge instead of the divine form to which their attention is due; let us avoid the error, and bow down to truth and justice, if we must punish. Far be such passions from our tribunal; let us not be influenced by mere revenge for what is irrecoverable, but by foresight to prevent evils yet unacted, which shall guide men into the right, and awaken to a sense of their danger, those who but behold wrong with indifference.

In

It has been esteemed a matter of doubt, if sound policy can justify a *legal murder* under any pretence; true religion sits silent; morality sighs; and reason says no; God forbid that I should intend the opinion as ludicrous and ironical, but in Great Britain where so many put an end to themselves voluntarily to avoid real, or imaginary evils, and in an army where the contempt of death is the first essential quality, and which all, more or less, sooner or later, attain, by custom or reflection, I cannot conceive death alone, to be the highest punishment in the power of the state, (a) until however, the state adopts a substitute for it, we must necessarily proceed with analogy to its laws, and endeavour to strengthen the efficacy of the example, by the solemnity of the circumstances attending the execution.

For treachery, positively proved. All the troops to be drawn out, and in their front if possible, where all may see it, a high gibbet to be erected, and near it a pile of dry wood, and on the opposite side a cannon or large mortar; the prisoner to be led forth, bound, and with the rope about his neck, in a coarse brown jacket and cap, let his rank have been what it will, after passing in procession along the front of as many regiments or detachments from the whole army as circumstances will admit, preceded by a number of drums, muffled, beating single flams, with long and equal pauses between them; and the provost martial, saying, at the front of each regiment, "*let all men take warning, for thus shall traitors perish.*" the drums then to roll for a short time, and afterwards continue their flams again, till a second proclamation; and after every one they are to roll as before; being arrived under the gallows, the rope to be run through a pulley, and the end given to the executioner, assisted by one drummer from each regiment, or more if necessary; two chaplains, and two surgeons attending on each side the prisoner; at a signal given by the provost martial, he is to be run up within a foot of the beam of the gibbet with a jerk, as quick as possible; the drums then to roll, which is to be repeated by the whole army; and every adjutant is to repeat aloud "

*he has been de-
graded*

"*graced and blessed, as infamous and unworthy to breathe the same air with honest men: let all men take warning.*" The chaplain might then make a short discourse, or the Commanding Officer a speech, concluding with a prayer, (at which all should kneel) to preserve them from all treacherous thoughts or actions, and direct them in the path of honour and fidelity to their trusts; mean while, as soon as the surgeons declare the prisoner to be quite dead and past all sensation, his body being placed on the wood, should be burnt to ashes, and a wet turf being first placed as a wadding, all the ashes to be raked up and being put into the cannon or mortar, to be fired into the air. Whereupon all the adjutants should again proclaim, "*body has been*"

"*burned to ashes, and these ashes blown from the mouth of a cannon, that no part of such a villain should remain.*" "*God preserve us all from treachery. Amen.*"

When whole garrisons, corps, or regiments, are guilty of treachery, as before described, the ring-leaders should be executed as above; and if possible all together, to strike the greater terror, and, lest the too frequent repetition of the same scene familiarize the objects too much to the spectators. At the same time the colours of the regiment to be brought to the place of execution and burned; the whole body of the accomplices attending, bound, and with ropes about their necks, tied to each other; then being stripped of their uniforms, and each in return receiving a slave's jacket; to be sent off in different small detachments, and to be banished to Africa, the East, or West-Indies, or to the works in Great Britain or Ireland, their servitude in each place being limited according to their demerits. All the officers to undergo a trial, and such of them, and of the non-commissioned officers and private soldiers as can acquit themselves, to be immediately formed into a new regiment, but the uniform to be different, and the rank to be as for a young regiment; the name and number of the old one, to remain on the army list together with an account of its punishment; and never to be filled up or re-placed; all the regiments which

which were younger than it, preserving the same names and numbers as before the event.

There must be no indulgent distinctions in the punishment of treachery, between the highest officer, and the lowest person in the army, it being a voluntary act of so base a nature, that is even reprobated by the brute creation. Altho' the disgrace will certainly be severer to him who hath been bred a gentleman, and been elevated above others, yet that additional punishment seems due, as the magnitude of the trust he broke, was in proportion; consequently, the additional mischief which his station enabled him to do, depended on that very circumstance which is an aggravation, instead of an extenuation of his guilt. Besides, this heavy sentence, while it creates a greater abhorrence, may serve to prevent the commission of a crime so shocking in its consequences.

But with respect to other acts of justice, the difference between commissioned officers, and private soldiers should be preserved; not for the impunity of the former, but for the sake of that subordination so essential to an army, that it cannot subsist without it; and we shall find its necessity admitted by the practice of all ages and nations, and even under governments, whose principles have nourished ever so perfect an equality in civil concerns.

But e'er we proceed, let us consider all the powers of punishment, applicable to officers, and which may be divided into *sensible degrees*, as follows:

First, Death with disgrace and previous degradation.

2d. Death, with circumstances of terror; but without disgrace or degradation.

3d. Degradation, disgrace, and incapacity.

4th. Cashiering; the prisoner first reading aloud his commission at the head of the corps, and the Commanding Officer then reading the sentence of the court martial, and receiving the commission, then say, "Sir, as you are no longer an officer, you

"will be pleased to retire from the front of the troops."

5th. Cashiering by private notice.

6th. Suspension for a term, with stoppage of pay.

7th.

7th. Suspension, without stoppage of pay.
 8th. Confinement, with an order to write on some military subject, or draw.

9th. Attendance at the riding school or the drill.
 The mode of executing each sentence, should be inserted in the military code, and be invariably uniform, independent either of the brutality, or tenderness of the Commanding Officer present; either to augment or diminish it. The mode of degradation might be rendered affecting as follows.

The prisoner being led forth in his uniform, bare-headed, with his hands tied behind him, when arrived at ten yards distance from the front of the corps, to be compelled to kneel, while the adjutant reads his sentence aloud, thrice; then if he has a military order, the adjutant to take it off from him, and throw it into a fire prepared for this purpose, while the drums or executioners strip off his uniform, and dress him in a criminal's jacket; the commission is next to be read aloud by the adjutant, who is to proclaim, "His Majesty and the Lord General's name and authority, whom this wretch hath prostituted, must remain no longer disgraced, the commission, which he hath forfeited, and the faith which he has disgraced, I thus commit to the flames," while the drums or executioners break his sword over his head; the Commanding Officer to proclaim, "the King commands, under penalty of fine and imprisonment, that ^{you} do not presume, during his life, to bear or use any coat of arms, his Majesty declaring, and willing him to have forfeited all rank and precedence which he hath hitherto possessed, and to be unworthy the name of a gentleman."

After this, the criminal to be tied with his back to a post, having a board to stand upon, fastened thereto, of such a height, as that he shall appear above peoples' heads, a gag to be put in his mouth to prevent his speaking, and his crime, his name, and late rank, to be fixed in large and legible characters over his head; in this situation he should continue as many hours, and as often as the court shall have sentenced; after the completion of his

His punishment; he should be carried back to prison from whence in six hours he should be discharged.

Where whole regiments mutiny or misbehave themselves before an enemy, their colours should be taken from them, and they should be ordered out of the list, doing only duties of fatigue, till some opportunity offers for them to be put on some desperate service; after which, if they behave well, their colours and rank to be restored to them; but if they run away, the troops who support them, to be ordered to kill the fugitives, and the regiment to be broke, and sent into slavery as above-mentioned.

When the sentence is death only, without disgrace, &c. the prisoner to come forth, with his arms tied with his own sash, walking between the chaplain and a few friends of his own choice, preceded and followed by a guard, with reversed arms, and whose drums beat a dead march. When arrived at the place of execution, to be blown off from the muzzle of a cannon, or mortar, or shot with small arms, as is the sentence of the court: all this to be done with all possible indulgent consideration to the person; and when dead, the body to be decently raised, and placed in a coffin, together with his sash, and the cloaths in which he fell; and being screwed up, in presence of the Commanding Officer, to be delivered to his friends. All possible silence to be maintained, and no proclamations of any kind to be made.

Castigering in public, hath already been sufficiently described; in private, it should be by a letter directed to the person in some such form as this, "Sir, his Majesty taking into consideration the proceedings and opinion of the court martial by which you were tried, thinks proper to discontinue you from all military rank, from the rank of an infant, of which you are to take this warning."

"All officers who are suspended, must, during that term, attend their corps, wearing their uniforms, but no sash, or arms of any kind; and when the obnoxious word of command is received, to stand at attention."

regiment forms; be upon the right, dressing with the front rank, and distant two yards from it; they must also be present at all parades, with or without arms, in the same post, and attend all drill and riding schools, which do not interfere with public parades, under pain of cashiering.

Those officers who are confined to their apartments until they have finished some military essay, to send their performance to the Commanding Officer, who may thereupon instantly release them, or order a revision; then, if dissatisfied, must summon the whole corps of officers then present, and reading it, or causing it to be read, and afterwards shew to them, separately, order the three or five, first for such duty, to retire with it, and pronounce, if they think it sufficient; the opinion must be subjoined to the performance, and in writing, and the Commanding Officer to have the right, if he thinks proper, to order a revision of such opinion; and if any spirit of party appears therein, the whole to be certified to the Commander in Chief, but otherwise their opinion to be valid, and to be put in execution; if any indecent reflection escapes, it must be fully compensated, or punished by a court martial; the officer remaining in his arrest till one is assembled.

It is necessary to dwell yet some time longer on this loathsome subject of punishment, and to review the different degrees which may affect non-commissioned officers and soldiers; these may be comprized in degradation and reduction to the ranks, as private, which should always attend ignominious crimes, previous to corporal punishment.

1st. In reduction to the ranks.

2d. In a temporary suspension.

3d. In confinement, within sight of the guard.

4th. In attendance at the drill or riding school.

For soldiers and non-commissioned officers, after having been reduced to the ranks.

First, Degradation, disgrace, and severe corporal punishment in public, and afterwards servitude on the public works.

2d. Corporal punishment in private, after which, before the prisoner is admitted to bear arms and do duty,

duty, he should kneel, full accoutred, at the head of the regiment, and the colours or standard being waved thrice over his head, the drums or trumpets and other music to sound a flourish, on which he is to rise and receive his arms again.

3d. From one, to twenty blows with a cane, given by a serjeant of the troop or company he belongs to, the seldier on his knees in the front of the troop or company, but not stripped, and a non-commissioned officer holding each arm.

4th. The being gagged and tied to a post for the soldiers to laugh at; but this should either be in the front of the encampment, or, if, in barracks or quarters, in some place where soldiers only can enter, the crime being specified in large characters and hung about his neck.

5th. Being imprisoned at night, and in the day kept to hard work without ceasing, in presence of some officer, non-commissioned officer, or the guard responsible for making him do his business completely; the work may consist in dressing spare horses, cleaning spare arms or accoutrements, cleaning the store and guard room, &c. &c.

6th. Being dressed in a fool's coat, with the crime inscribed on a board or lead, and hung about his neck.

7th. Confinement in the dark, and on bread and water, and when released, to do all the duty which came to his turn, during his being confined.

The ceremony of degradation and disgrace to be as follows; the regiment being under arms, the criminal being led forth bare headed, and his arms tied behind him, to be made to kneel while his sentence is reading, then his uniform to be stripped off and a slave's dress put on in the room of it, then to be tied with his back to a post, the crime and punishment being affixed in legible large characters over his head; here he should remain one hour, during which time, the regiment should pile or ground their arms, at the expiration of the hour, all the drums or trumpets to beat or sound to arms; the criminal to be tied up, and his sentence severely executed, and then to be dragged through the ranks

in the condition he is in, by two drums, holding a cord, while the drum or trumpet-major proclaims, "thus are you punished," and the rest of the drums or trumpets beating or sounding the rogues' march, alternately between the proclamations, being arrived at the front again, the Commanding Officer to say, "Let all take warning by this man's punishment, and avoid the like; and you who have broken our laws, and brought on yourself shame and punishment, do you set seriously to amend your life and behaviour, and atone for what is past, by your future conduct. If you are found really to deserve it, your time of servitude will be shortened, and you may be restored to those privileges you have now forfeited." The regiment to be then dismissed, the convict returned to prison, and as soon as his back is healed, to be escorted to the place where he is destined to work.

With respect to private punishment, it should always be in a tent or room, the adjutant, sergeant-major and surgeon, with one subaltern and one non-commissioned officer of the troop or company he belongs to, and the drums and trumpets who are to execute the sentence being present, a guard to attend without the door, which is to be shut; the prisoner to be released from his confinement six hours after his sentence is executed.

CHAP. X.

The Adaption of Punishments to Crimes, And Forms of Punishment.

IN the specification of the powers of punishment, the design is, to render each degree strikingly and materially distinct; to convince bad officers that the army is not an asylum for vice, indolence, and ignorance; and to assure the good ones, that right and wrong are not consigned to the capricious direction of fashion, of hazard, nor party prejudice, but

but to immortal reason, and substantial justice; it has also been a principal object to excite in the non-commissioned officers and private soldiers, a sense of shame, which the making all kinds of delinquents whatever a publick spectacle, must excite in all, and in many, totally extinguish.

For the sake of precision, let us recapitulate what has been urged, adapting to each crime its punishment.

CRIMES.

Treachery of all kinds; where the *intention* is manifest, or where the effect of mutiny and desertion, or correspondence with an enemy is the positive plain cause of any material loss to the nation.

Other mutinies, according to the circumstances thereof, to be punished if in commissioned officers by

If non-commissioned officers or soldiers strike or actually wound a superior, and all other mutinies where any illegal force is employed towards officers in the execution of their duty, according as circumstances appear, more or less atrocious.

Wilful disobedience; or wilful delay in advancing to meet an enemy, or not exerting his utmost abilities to defeat them; if it appears to proceed from any cunning design of thwarting a superior, an equal, or even an inferior, as such designs are of most treacherous nature, they merit in all degrees.

PUNISHMENTS.

Degradation, disgrace and death.

Death without disgrace, or else public cashiering, by reading and returning the commission, see page 89.

Death, which may be inflicted on the spot, if the person makes any difficulty in surrendering himself a prisoner.

Death without disgrace, or, besides reduction to the ranks, from 500 to 1000 lashes in private, and afterwards to be sent to serve in some other regiment in a distant part of the world.

Degradation, disgrace and death.

CRIMES. PUNISHMENTS.

If from cowardice, tho' that is involuntary and claims our pity, yet its effects are of such infinite importance to prevent; it is imagined they might be repressed by a certainty of meeting that death they feared; but it must be remembered, that the deed, not the appearance of a man's countenance, must convict.

Being blown off from the mouth of a cannon or mortar.

If it proceeds from any unknown motive, but the fact being clear, and the justification not proved, that every attempt *possible to obey* was made, then for officers.

Cashiering in public and incapacity.

Non-commissioned officers and soldiers if brought to a court martial; which must never be done but when blows and threats are insufficient.

Severe public punishments, and slavery, from three to seven years.

Running away from an enemy in disorder, or abandoning cannon, throwing away arms or ammunition, or surrendering prisoner in a cowardly manner.

May be punished by any superior officer, putting them to death, or commanding others to kill them on the spot; or if convicted at a court martial, to be blown off from the muzzle of a cannon, if officers, or degraded and disgraced, according to circumstances.

Non-commissioned officers and private men must never be brought to a court martial, excepting where blows and threats prove insufficient to drive them to their duty, then to be punished.

Severe corporal punishment in public, and from three to seven years slavery.

CRIMES.

CRIMES.

PUNISHMENTS.

Frauds; extortions under pretence of perquisites, and embezzlements, also false musters, false returns, false evidence, and false reports of persons and things, where the proof is positive that the person did it wilfully and knowingly.

This to be punished in all commissaries, purveyors of hospitals, and all denominations of the civil suite of an army of the rank of gentlemen, as well as in all degrees of officers, by

In non-commissioned officers and soldiers, store keepers, &c. &c. &c. in the suite of an army, not ranking as gentlemen.

Suffering a surprize by an enemy, through notorious ignorance, negligence, or laziness, or being found drunk on any guard, party, or other duty; a repeated wilful disobedience, neglect or delay to orders, not contrary to law, or persisting in grumbling, and exciting discontent amongst inferior officers and soldiers, in officers to be punished according to circumstances, by

If in non-commissioned officers and soldiers, according to the degree of offence; this would generally come under the description of a regimental crime, excepting where particular circumstances require a general example.

Degradation and disgrace, and prosecution at the suite of the crown, to the amount of the fraud.

Severe corporal punishment,

Degradation and disgrace, if very atrocious, otherwise by cashiering in public.

By public punishment, and three years slavery, or private corporal punishment,

CRIMES.

PUNISHMENTS.

Any attempt to force a guard or centry, they are authorized to seize the person, be he of what rank he may, and to kill him if he won't surrender: if an officer is convicted of this, be he drunk or sober, he should suffer.

If a non commissioned officer or soldier.

Officers not returning at the expiration of their leave of absence, or absenting themselves during any time when a muster happens, or a return to the Commander in Chief; to be tried by a regimental court martial, and the result of its proceedings sent at the bottom of the next return; if a sufficient justification does not appear, the sentence must be

Using improper gestures or expressions under arms, or any wilful disobedience of orders; the Commanding Officer to order him immediately to quit his post and go into the rear, but in plain terms, without any menace or additional expression; if he refuses to obey; on proof, he must be *ipse facto*, cashiered in public, by sentence of a general court martial, but if he obeys, and voluntarily offers to make a public submission, before the troops are dismissed, the Commanding Officer may accept it, or otherwise deliver his reasons for so doing, to a regimental court martial, who must sentence according to their discretion.

Cashiering in public.

Severe private corporal punishment.

Suspension, and stoppage of pay, for double the time of being absent without leave, or for one month at least.

A public submission, either with, or without suspension, without stoppage of pay, for any term not exceeding one month.

CRIMES.

PUNISHMENTS.

Delay, inattention, or negligence under arms; a careless performance of any duty ordered; the Commanding Officer may call any officer aloud by his name, at the instant he perceives these faults, but by no means presume to swear at, or reprimand him, then, before the troops are dismissed, he may say, "Sir, you will be pleased to attend all drills or riding schools, all further orders, and in particular be mindful to learn" or otherwise he may say, "Sir, you will be pleased to quit your post, and retire into the rear, till further orders;" if the troops are not under arms, the Commanding Officer to order him to do the duty over again in a more perfect manner; if these two cases happen frequently, or that any obstinate or sulky behaviour appears, to be tried by a regimental court martial, who according to the circumstance of the case, must condemn him to

If he proves incorrigible, he must be brought to a general court martial.

Being absent, for ever so short a time without leave, or out-staying a leave of absence, so that any duty has been avoided thereby, if brought to a regimental court martial, must be punished by

Suspension, not exceeding one month, and a severe public reprimand, or a public reprimand without suspension.

Inserting the fact in the orderly book, and a judgment to do twice out of his turn, the same kind of duty as was avoided.

CRIMES.

PUNISHMENTS.

Being absent from any guard five minutes after it has turned out, or being found drunk so as to be unfit for any part of the duty, or undressing to go to bed on guard; must be punished by a regimental court martial, by

Suspension with or without stoppage of pay, not exceeding one month, and a public reprimand; or confinement on bread and water, till they have finished some military essay, or translated part of some military book, &c.

Lying out of camp or quarters, or being absent at any time for six hours, or above ten miles from camp or quarters without leave, whether any duty interferes or no.

Confinement to their apartments from forty-eight to twenty-four hours, the sentence being inserted in public orders, and a centry at their door, who, to keep all company from visiting them, and suffer no food to enter but bread and water.

Drunkenness, or riotous behaviour, tending to affront any person, civil or military, when present in garrison, camp; or quarters.

Confinement to their apartment as before; if they do not conform to be suspended by a regimental, or privately cashiered by a general court martial.

Disabling themselves, to avoid serving, whether in non-commissioned officers, or private soldiers.

Degradation, disgrace and corporal punishment in public, not exceeding 500 lashes, with 7 years slavery.

Desertion, where the intention of not returning is manifest; straggling from the corps to plunder, or being found plundering.

Three hundred lashes in public, and an additional fifty for every month they have been absent, with seven years slavery; plunderers to be condemned from one month to twelve, to some hard work about the artillery park, bread waggons, or magazines, and on a certificate of their good behaviour, to be received again in their regiment, their arms being delivered under the colours, &c. &c. &c.

CRIMES.

CRIMES.

PUNISHMENTS.

Selling or pawning any of their arms, accoutrements, ammunition, cloaths, or such other necessaries as are ordered by the Commander in Chief, so as the proper number do not remain.

Wilful disobedience, wilful neglect, wilful delay in executing orders not contrary to law, or using any indecent or improper gestures towards a superior, or any insolent expressions.

Quitting any guard, without proper authority, being drunk on any duty, and sentinels asleep on their posts.

Malingering to avoid duty.

Neglect of arms and ammunition, horse or accoutrements, if repeated, to come under the penalty of wilful disobedience, otherwise according to the degree of offence.

Coming to parade in a slovenly manner, or being too late, &c. &c.

Being drunk at any time, or out of quarters or tent after tattoo, &c. &c.

Non-commissioned officers, to be reduced to the ranks, or suspended for a time to do private mens' duty.

Soldiers, &c. to suffer corporal punishment in private, not exceeding 300 lashes, or from five to twenty blows with a cane, besides being put under stoppages to make good the damage done, or a public submission according to a form, to be specified.

The same degrees of corporal punishment, as far as 200 lashes, or twenty blows, according as the offence is aggravated.

Double the duty avoided, and wearing a fool's coat.

From five to twenty blows with a cane, confinement at night, and hard work in the day; all together, or separate, or being tied to a post for the soldiers to laugh at.

From one to five blows with a cane, or double duty; both, or each separate.

Confinement in the dark for four and twenty hours on bread and water, and to do all the duty which came to their turn during that time.

It is impossible to enumerate all the crimes which men can commit ; we have specified the most obvious ones ; if new ones arise, provided their magnitude and the necessity of an immediate example urges, they must be punished by analogy to their relative degree ; but where time and circumstances permit, it were ever best that the case be reported to the Commander in Chief, who will receive and transmit the King in council, or the parliaments' resolutions on the subject, to serve as a general provision against the future commission, as well as an order on the present case ; but there are so many unforeseen events in war, to which the remedies are so contradictory to the private views, and even comprehension of the actors, that there cannot be devised any mode of embracing them all, in any precept or specific code ; in a word, such must all be comprehended in that one of positive, momentary, and effectual obedience to all commands of a superior, who, by insisting thereon, after a reasonable and respectful representation from the inferior, stands alone responsible for what he has commanded, and must have the power of compelling obedience. But let that commander recollect, that if from the necessity of checking enormities, which threaten such an increase as to detriment the trust with which he is invested in its most important concerns, he is obliged to dispense with forms, and assume the despotic power with which he is invested ; he must be careful that his temporary exertion become not a permanent principle ; for then he will deprive himself, and many who succeed him, of the effects which such exertions are meant to produce, and frivolously squander the sacred deposit which wise governments ever retain to cherish the enthusiasm of virtue, and to crush the cunning paradoxes of selfish villainy. To prevent however a *wanton use* of these powers, a report, with the reasons for employing them, must be transmitted on the first succeeding opportunity into the judge advocate's office, in order to be laid before the Commander in Chief, and the board of war, who will thereupon take the proper measures to stop their further progress, in time.

The

The blending crimes of a civil, or mere social nature, with military ones, has been purposely avoided, because the state hath already provided remedies for them; and it becomes not a subordinate part to encroach upon its jurisdiction; yet, duelling and gaming amongst the officers, and theft with a variety of inferior disorders amongst the soldiers, might perhaps be more effectually prevented, if admitted as supplemental, yet separate and distinct to the military code. The two former, duelling and gaming, have hitherto baffled all medicine; so that we can offer only speculative remedies; but experience emboldens to proceed with confidence as to the others.

Such crimes as the soldiers commit among themselves, and which respect their own social comforts and security, to be consigned to their own judicature, to punish as they think proper; in such instances however, as, when the majority of the troop or company to which the offender belongs, disdaining to admit him any longer amongst them, apply to their commanding officer for that purpose; then a regimental court martial to assemble, together with a jury of twelve soldiers, to be chosen by lot, the prisoner having a right to challenge any for cause, and the evidence being examined upon oath, the jury to declare him guilty or not; whereupon he should be sentenced to run the gauntlet through the regiment, being naked from the waist upwards, and each soldier striking him with a switch as he passes, so that he may suffer in proportion to the enormity of his crime, and afterwards being drummed out of the regiment, to be sent to some foreign garrison as a slave, for such a term as the court judge proper, or if it might be permitted, confined for that time, amongst the felons sentenced by the civil courts.

It is with regret that we view the bloody cat of nine tails so frequently, in the foregoing sketch for a military code; we could wish to have confined it still more, but the subject is of too great consequence to abandon it to mere speculation, and remove at once those barriers by which alone our soldiers have of late years been confined within the bounds of their duty. The privacy of punishment,

will in many cases overcome his fortitude, who would have armed himself at least with the appearance of indifference before his comrades; it will prevent the spectators from being hardened to a sense of the example by custom, and acquaintance with the objects, when a public execution happens, and by turning the criminal who has incurred it out of the army, (1) it will revive that abhorrence for the disgrace which is now almost extinct, consequently, strengthen the power of government, and hinder the progress of crimes.

It is hoped that it will no longer be esteemed necessary to retain *that article*, which authorizes three boys to punish *any crime in any manner* (2) they think proper, without even the smallest rule for their guidance; nor need that labyrinth of tyranny, of confusion, and which must in the end produce absolute anarchy, "Such other punishment as a court martial shall inflict," remain to disgrace a British statute.

Death still remains to treachery, and cowards, and in some cases, to mutiny; and without torture, its degrees are rendered very feelingly different; its inefficacy in the prevention of desertion and marauding, its absurdity in being thought capable of awakening the tired centinel's involuntary slumbers, naturally remove it from those crimes, which more adequate punishments and other precautions must hinder.

It is to be hoped, and expected, that the various degrees whereon we have raised the scaffold of justice, will obstruct many whom mere heedlessness might otherwise have misled within the reach of her resistless sword. The officer will not stumble unawares on death, and cashiering; nor the soldier into the pit of shame and torment, without some previous hints whither he is going.

In all the punishments we have described, it must be premised, that before even the smallest shall have taken place, the commander of regiments and corps shall have warned officers, and the commander of troops and companies, their non-commissioned officers and private men of the consequences of a re-
petition

Part III. Chap 10.

petition of their delinquency. In many cases reason and temper will go farther than punishment, a respect and affection for the speaker conveys his words directly to the heart. Let him entrusted with the command of others remember, that the mind of man is like his body, subject to both constitutional and accidental diseases; the knowledge of the cause, and a strict attention to the effect is his particular duty, that he may apply to each their proper remedy: With the exertion of common sense it will be no difficult matter to do this, and acquire the esteem of inferiors. Soldiers are themselves so sensible of the necessity of strict order amongst them, that he who seeks to gain their good will by being remiss in preserving it, only acquires their contempt. Let an officer be strict as to all military duty, not confound and vex his troops with a multiplicity of changeable and trivial orders; address his inferiors with firmness, but without haughtiness or asperity; attend to their representations; redress quickly their reasonable complaints; be compassionate and careful of the sick and wounded; attentive at the head of his troops to all that happens; not expose them to needless danger, or be too provident of his own person; deliver general orders with plainness, after having reflected on the principal circumstances likely to happen, and sudden accidental ones distinctly and precisely. Such a man will soon find himself at the head of an active vigilant body of soldiers, obedient to execute every stratagem and resource of war he can desire; patient under hardships; not despairing after a defeat, but animated by esteem and confidence in their commander; in their attacks rapid and furious, when they are assured of his presence, whose impartiality ensures to valor its reward; and whose cool discernment knows how to render their efforts as glorious and advantageous as the accidents and uncertainties of war permit.

C H A P. XI.

Of Gaming and Duelling.

THE breed of gamesters and duellists seem without end. It is in vain for inactive law and reason to oppose what custom and fashion sanctifies in the chief men of the state, parsons, playwrights, novelists, and other dealers in stale sentences, and small ware morality have stupified mankind about duelling; and to what purpose? now and then to the ruin of the modest, the credulous, and him of exquisitely delicate sentiments, while priests themselves push quart and tierce, and snuff candles with their pistols. Nor has our legislature been quite idle on the occasion, they have carefully provided that he shall be disgraced and ruined who does not, and that he shall be hanged who does, fight a duel. The judicial and executive powers finding it impossible to reconcile these two injunctions, follow sometimes one, sometimes the other, as chance and fancy leads; the subject who is to obey would be embarrassed beyond measure in the part he is to take, but that *in our island* he is sensible it is rather difficult to hang a man first and ruin him afterwards: and our brave neighbours who might differ from us in that opinion, love and esteem us so well as to submit to our decision; the consequence is, he who is not afraid to fight, does fight with whoever challenges him, and so he must, notwithstanding the fifth article of the seventh section of the articles of war, which runs, “ hereby acquit and discharge

"charge all officers and soldiers of any disgrace or opinion of disadvantage which might arise from their having refused to accept of challenges," the words—provided their brother officers do so too—seem to have been left out accidentally, for it is impossible that the King can say the thing which is not.

The only efficacious mode of destroying this noisome weed seems to be by striking at once into the root of it, or to quit the metaphor; to cause a strict trial into the cause of every quarrel, and punish the *aggressor only*, and in proportion to his demerit. In the first place, therefore, if one officer strikes another, knowing him to be such, he should be obliged to beg both his pardon in particular, and that of all the officers assembled for that purpose, he being upon his knees on the public parade, and in the front of the troops present there: After which he should be suspended for a whole year, and during that time be obliged to do all the duty of a private foldier or corporal in the ranks; and if there is any war at the time in any part where there are British troops, to be detached to their grenadiers or light infantry; in case of crimes while on that service, to suffer punishment only as an officer; but if he persists in refusing to comply with his sentence, to be degraded and broke with infamy.

What is in the next degree of importance to prevent, is the propagation of stories disadvantageous to an officer's character in his absence. God forbid we should wish to put a stop to a just freedom of speech, and the deserved censure of villainy; no, that is not the case; it is the malicious slanderer, the eves dropper; him whose pestilential breath exhales a slow poison, which corrodes the vitals ere it is discovered; it is him who sows jealousy and dissention amongst the best of friends, whom we would hunt from the paths of society, and prevent, if possible, to encrease his race.

When an officer knows that another hath spoke of him in this manner, he should take one or two friends with him, and civilly tell the person that he
bega

begs the favor of him to know from whom he heard the story he related, or what grounds he has to believe it: If he refuses to answer, or whatever he says on the occasion, to be taken down in writing by the officer asking the question, or his friends, and being repeated, they must desire to know *if that is the answer*; if he assures him that he had no intention to hurt his character, and that he is willing before the same company, in which he spoke before, to declare what the foundation for his assertion was; nothing further to pass, but a memorandum in writing to be kept by each party, to be amicably agreed on and signed, so that no misunderstanding or misrepresentations may gain credit as to the affair. But where the person persists, a court of enquiry, consisting of five officers (when possible) otherwise three; the president to be of one superior degree of rank to that of the party of the highest rank, the rest to be equally composed of officers of similar rank to each party; their examination to be after the nature of a grand jury to enquire only into the accusation; if there appears to be no reasonable grounds for the story or insinuation, they must then order the relator to beg the injured person's pardon before the same company to whom he addressed the discourse complained of, and also enjoin him silence for the future, under the pain of being, *ipso facto*, cashiered, on the proof of his having continued his slander: But if on the contrary there appears sufficient foundation for a further investigation, they must report their opinion thereon in writing, and a regimental or general court martial, according as is the degree of criminality urged, must finally decide the affair.

If an officer uses improper provoking gestures or expressions to another, the company to take immediate notice of it, and the commanding officer present (tho' of inferior rank to the parties, or any other, in case the affair seems urgent) to put both parties in arrest instantly. Three officers to be then appointed, one of the same rank with each party, and a third a degree superior to both (as before mentioned),

tioned), and these are finally to accommodate the affair.

Peevish, waspish language to be taken the same notice of, and direct incivilities, or *omissions* of common civilities, except where the party, on its being noticed to him, immediately performs them, or assures the person to whom they appeared pointed, that he did not intend them as an affront.

There was a law of police, invented about twenty years ago, which would have done honor to Solon—I mean—*sending obnoxious people to Coventry*:—Like many other things, it has been misunderstood, perverted, or neglected; but it is almost alone capable of destroying, root and branch, the evils I speak of. Instead of a drunken toast-master, let three officers before dinner, and in their right senses, judge of it, and let it be strictly enforced according to that judgment, by every degree of power, from the commander of the corps to the Commander in Chief, and the majestic authority of the crown.

It still remains to be said what must be done with professed duellists; men out of the reach of *military* laws. We must fight them! Whoever they will force to fight, or attempt to bully, on his declining it, must begin; if on the list of generals, the next must follow, and so throughout the army; if in a regiment the next in that regiment must succeed, and so on till we have exterminated a set of rascals from our empire, who are a disgrace to the creation; who like mad dogs render those whom they bite as bad as themselves. As to the ideal hardship of fighting a man, without a quarrel, in your turn, that is what is most common in the profession; we destroy men whom we *honor*, because we speak a different language in common, or because our government chuses to employ us to chop logic with them on liberty: What remorse need we have then to combat him who is a nuisance to all countries, all governments, and languages; and the bane and curse of every society.

It is very certain that the practice of duelling produces many of those indelible attentions, and that

that mutual forbearance which preserve order in society; it likewise prevents some of that scandal which embitters the life of those out of its reach, at the same time it permits a worthless rascal, with strong nerves and an insensible heart, to force the best man in the country to stake his valuable life on an equal chance with one, not only of no value, but whose existence is a detriment and real disgrace to whatever place he is found in: Yet it is hoped that the first advantages will accrue by other means, and the latter evils be averted in the end; after one or two examples they will droop, and by a steady continuance of the measure, they will die; nor will they be easily propagated again, while the same prohibition, and the same power of destruction is even fancied to exist: so that now and then a proof of that existence is felt somewhere or other.

It is far from the intention to create military combinations against the members of civil society; it should be carefully guarded against, and severely punished if ever misapplied to any other purpose than the destruction of notorious duellists. In case one under such description gives an unprovoked offence, or slanderously injures an officer's character, and refuses to make due and adequate reparation, but appeals to arms; the fact to be first clearly proved before a court martial of at least three officers, and if it is possible to prevail on two gentlemen of honor in civil life to attend and illucidate the facts, so much the better: When this is done, the party challenged or offended to proceed without the officious interposition of any one to put him in arrest, and stop the sequel; if the duellist, by blows or indignities, forces an immediate combat, that circumstance is a sufficient proof, without further enquiry, how he should be treated.

When an affair has proceeded so far as that the parties appear in the field, it is *then* too late for explanation or submission; they should fight till disabled to do so any longer, or be disgraced. No pretence of slight wounds should be admitted as a reason for cessation, since such practices encourage and excite men to fight duels, under the hopes of an escape

escape from harm, who would not dare go out if they were certain the business must be so fatal. Thus men are encouraged to go on till the deadly sting pierces some worthy character meriting a better fate.

If the old trial by battle (still a part of our law) were revived, and duels, under certain circumstances, rendered legal, it would be more likely to cure the evils attendant on them than any general prohibition can ever do.

The practice which military men follow on this occasion is usually a standard of fashion for others, and that principle which calm reason approves, is the best general rule; the exceptions being left to the discretion of the fairest judges which can be selected: But a general rule, founded in error, must produce infinitely greater evils, supposing the same justice and the same discernment permitted to concede the exceptions, and to be entrusted with the execution.

One of the most effectual preventatives against gaming is, to strike at the means of procuring money for that purpose; for when people suspect that they will not get paid, they will cease to tempt young officers to play with them at all, or at worst, play no longer with them than for their ready money, which can hardly ruin them at once, as heretofore hath been frequently done.

The first step towards this is, to render all assignments of officers' pay, or half pay, illegal, and absolutely void, unless such assignments shall have obtained the approbation of the commanding officer, and the board of war, and be registered therein, together with an affidavit on the oath of the parties, what money hath been actually and how paid, and what consideration or interest, and these assignments to be permitted only for money so purchase commissions, for horses, necessary arms, accoutrements, or camp equipage, the particulars of which to be specified, and all frauds, collusions, &c. herein, to incur the penalty of wilful and corrupt perjury.

If officers contract debts on other accounts, they must find other ways of satisfying them; and it should be declared, that for the future if they get into prison, or are unable to appear and do their duty, they will be superseded. It might perhaps have been hard if there was a retrospect, as it might have fallen heavy on some who had very fairly advanced money on an officer's pay, or half pay, thinking that they had an equal right to do there-with what they pleased, as if it were a freehold annuity; but there can be no good reason not to put a stop for the future to a practice which amounts to a sort of a fraud, and misapplication of the public money, which is given for the subsistence of the officer, that he may be enabled effectually to serve in his degree, and maintain himself according thereto.

If officers are ever known to play either with one another, or any other person on credit: for the first time they should be sent for by their commanding officer in private, and warned not to offend therein again. For the second time, the commanding officer should speak to them to the same effect, in public, before the officers of the corps assembled for that purpose, and cause to be inserted in the regimental book, that ~~such and such~~ ^{such and such} ~~on~~ ^{on} ~~regiment~~ ^{regiment} ~~had~~ ^{had} since that time played on credit, with ~~such and such~~ ^{such and such} and others, &c. &c. and had been warned not to offend any more, in presence of

~~such and such~~ ^{such and such} officers assembled for that purpose, according to the rules and regulations of the army. For the third time, the fact to be inserted at the bottom of the first monthly return, and thence transcribed in the war office; and on the first promotion which would have otherwise come to the delinquent's turn, a junior officer to be preferred over them, and the matter of fact to be inserted in public orders; as ~~not~~ ^{not} ~~not~~ ^{not} ~~not~~ ^{not} would have been this day promoted to a ~~rank~~ ^{rank} but that he hath persisted in gaming, in contempt and defiance of the orders and regulations relative thereto, and after having been twice warned of the consequence.

If

If after this he persists it must be inserted in the monthly return as before, and an order to issue, is this day dismissed from his post of in for having persisted in disobedience of orders, and contempt of three former warnings in the ruinous and disgraceful practice of gaming, and staking his honor and credit for the payment of money which he had not in his possession to pay.

All generals and commanders of any body of troops, regiments, or corps, to be responsible for the strict execution of these orders, and to ensure due information, whoever shall be privy to such transactions, without giving information thereof, to be punished as a principal, and in case the parties shall deny their proceedings, then a court martial to examine all such witnesses as they think can give any insight into the truth, on oath.

We shall here close for the present this essay, submitting it to abler heads to reduce to practice: The sentiments may be erroneous, but they proceed from honest intentions; and in establishing the first principles of government, or in reforming abuses in old ones, *honesty* is the first ingredient, and a candid and deep research into the subject, aided by plain sense and reason, form the rest of the composition to cement their duration for ages. The brilliancy of imagination; the hasty petulance of logic; the surprise arising from unexpected paradoxes, of which our country has of late been too—too fond, will vanish soon from before our eyes, and in the place of an elegant high-finished structure, which we fancied we saw, we shall behold, alas! only a decaying ruin.—Our ancestors laid *their* foundations otherwise.

END of PART III.

PART



If it is perceived that this specimen meets with approbation, the remainder of this Volume shall be printed early in the Winter, and the rest of the Work follow as quick as possible.

* * * Whoever pirates it will be prosecuted.

If it is perceived that this speci-
men affects with approbation, the
remainder of this volume shall be
printed early in the Winter, and
the rest of the Work follow as
quick as possible.

Whoever prints it will be
prosecuted.
